

By Mr. LOUDENSLAGER: Paper to accompany bill for relief of John V. Buskerk (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Henry Garner—to the Committee on War Claims.

By Mr. NEVIN: Petition of the Dayton Motor Car Company, for legislation governing distillation of alcohol so as to permit farmers to produce alcohol on a small scale—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of the Nebraska house of representatives, for a national income tax as per President's message—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York Board of Trade and Transportation, for forest reservations of the Appalachian Mountains and the White Mountains—to the Committee on Agriculture.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. C. H. Keyes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James R. Boyer—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Marcellus Howser (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for an amendment to bill governing distillation of alcohol so as to benefit small distillers—to the Committee on Ways and Means.

By Mr. WALLACE: Paper to accompany bill for relief of Peter Leatherman—to the Committee on War Claims.

SENATE.

WEDNESDAY, January 30, 1907.

Prayer by the Chaplain, REV. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FULTON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM OREGON.

Mr. FULTON. Mr. President, I present the certificate of election of Hon. Frederick W. Mulkey, of Oregon, chosen as a United States Senator from the State of Oregon for the unexpired term of John H. Mitchell. I ask that the certificate may be read.

The credentials of Frederick W. Mulkey, chosen by the legislature of the State of Oregon a Senator from that State for the term ending March 3, 1907, being the unexpired portion of the term for which John H. Mitchell, deceased, was elected, were read and ordered to be filed.

Mr. FULTON. The newly elected Senator from Oregon is present, and I ask that the oath may be administered to him.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Mulkey was escorted to the Vice-President's desk by Mr. FULTON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

Mr. FULTON presented the credentials of Jonathan Bourne, jr., chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. SCOTT presented the credentials of STEPHEN BENTON ELKINS, chosen by the legislature of the State of West Virginia a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. LATIMER presented the credentials of BENJAMIN RYAN TELLMAN, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the St. Paul Reformed Church, of Woodstock, Va., against The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as

"The Lines," for school purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.; and

H. R. 24747. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 7034. An act to incorporate the International Sunday School Association of America;

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company;

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith;

H. R. 742. An act granting an increase of pension to James Wintersteen;

H. R. 1144. An act granting an increase of pension to Franklin McFalls;

H. R. 1150. An act granting an increase of pension to Emma J. Turner;

H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes;

H. R. 1337. An act granting an increase of pension to James B. Evans;

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler;

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna L. Cox;

H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;

H. R. 2286. An act granting an increase of pension to Jacob Miller;

H. R. 2399. An act granting an increase of pension to Charles F. Sanceraint;

H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;

H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson;

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel;

H. R. 3226. An act granting an increase of pension to John E. Leahy;

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thompson Wall;

H. R. 4151. An act granting an increase of pension to John W. Howard;
 H. R. 4166. An act granting an increase of pension to John G. V. Herndon;
 H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;
 H. R. 4351. An act granting an increase of pension to George A. Johnson;
 H. R. 4670. An act granting an increase of pension to Edward B. Tanner;
 H. R. 4673. An act granting an increase of pension to Samuel Rowe;
 H. R. 4692. An act granting an increase of pension to Levi Welch;
 H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;
 H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;
 H. R. 5063. An act granting an increase of pension to William G. Miller;
 H. R. 5172. An act granting an increase of pension to Milton Stratton;
 H. R. 5173. An act granting an increase of pension to Jacob Henninger;
 H. R. 5174. An act granting an increase of pension to Patrick Turney;
 H. R. 5187. An act granting an increase of pension to Robert John;
 H. R. 5200. An act granting an increase of pension to John F. McBride;
 H. R. 5209. An act granting an increase of pension to Edward R. Dunbar;
 H. R. 5595. An act granting an increase of pension to Elisha Brown;
 H. R. 5648. An act granting an increase of pension to William Hand;
 H. R. 5729. An act granting an increase of pension to Norman H. Cole;
 H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell;
 H. R. 5801. An act granting an increase of pension to Algeron E. Castner;
 H. R. 5803. An act granting an increase of pension to Edwin L. Roberts;
 H. R. 5829. An act granting an increase of pension to George Anderson;
 H. R. 6057. An act granting an increase of pension to Emery Crawford;
 H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish;
 H. R. 6088. An act granting an increase of pension to James R. Chapman;
 H. R. 6145. An act granting an increase of pension to Parris J. Latham;
 H. R. 6165. An act granting an increase of pension to Nelson Everson;
 H. R. 6189. An act granting an increase of pension to Arthur Tibbitts;
 H. R. 6424. An act granting an increase of pension to George Price;
 H. R. 6493. An act granting an increase of pension to Eli Boynton;
 H. R. 6519. An act granting an increase of pension to Samuel W. Whybark;
 H. R. 6524. An act granting an increase of pension to Amos Snyder;
 H. R. 6537. An act granting an increase of pension to William Jackson;
 H. R. 6705. An act granting an increase of pension to William H. Zachery;
 H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;
 H. R. 6920. An act granting an increase of pension to Simon Millison;
 H. R. 7211. An act granting a pension to James C. Southerland;
 H. R. 7247. An act granting an increase of pension to Lorenzo Sink;
 H. R. 7378. An act granting an increase of pension to John L. Brown;
 H. R. 7393. An act granting an increase of pension to Ferdinand David;
 H. R. 7411. An act granting an increase of pension to Tobias Fisher;

H. R. 7417. An act granting an increase of pension to Gibson Helms;
 H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig;
 H. R. 7551. An act granting a pension to Daniel Robb;
 H. R. 7555. An act granting an increase of pension to John S. Roseberry;
 H. R. 7581. An act granting an increase of pension to Emile Cloe;
 H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;
 H. R. 7804. An act granting an increase of pension to John Frett, jr.;
 H. R. 7834. An act granting an increase of pension to Joseph Amos;
 H. R. 7912. An act granting an increase of pension to James M. Lawder;
 H. R. 8136. An act granting an increase of pension to Joseph A. Scroggs;
 H. R. 8159. An act granting an increase of pension to Charles Leathers;
 H. R. 8247. An act granting an increase of pension to Sarah J. Littleton;
 H. R. 8312. An act granting an increase of pension to Abram Sours;
 H. R. 8335. An act granting an increase of pension to John T. Harvey;
 H. R. 8338. An act granting an increase of pension to Isaac S. Doan;
 H. R. 8373. An act granting an increase of pension to Patrick Weir;
 H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth;
 H. R. 8667. An act granting an increase of pension to Andrew Larick;
 H. R. 8668. An act granting an increase of pension to Stephen H. Rogers;
 H. R. 8683. An act granting an increase of pension to William D. Voris;
 H. R. 8732. An act granting a pension to Ellen S. Gifford;
 H. R. 8915. An act granting an increase of pension to Susan Woolley;
 H. R. 8925. An act granting an increase of pension to Chester Simpson;
 H. R. 8958. An act granting an increase of pension to David Bowen;
 H. R. 9024. An act granting an increase of pension to Lewis Lennox;
 H. R. 9090. An act granting an increase of pension to Amasa B. Saxton;
 H. R. 9100. An act granting a pension to Nancy C. Paine;
 H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;
 H. R. 9113. An act granting a pension to Elizabeth Cleaver;
 H. R. 9218. An act granting an increase of pension to William T. Blanchard;
 H. R. 9250. An act granting an increase of pension to Obediah B. Nations;
 H. R. 9278. An act granting an increase of pension to Melville A. Nichols;
 H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst;
 H. R. 9403. An act granting an increase of pension to Kate E. Hanna;
 H. R. 9673. An act granting a pension to Oliver H. Griffin;
 H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;
 H. R. 9921. An act granting a pension to Ann Lytle;
 H. R. 10032. An act granting an increase of pension to Octavo Barker;
 H. R. 10033. An act granting an increase of pension to Samuel C. Roe;
 H. R. 10219. An act granting an increase of pension to George S. Boyd;
 H. R. 10240. An act granting an increase of pension to John H. Curnutt;
 H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick;
 H. R. 10400. An act granting an increase of pension to Thomas Harrison;
 H. R. 10402. An act granting an increase of pension to Albert H. Campbell;

- H. R. 10403. An act granting an increase of pension to James H. Odell;
- H. R. 10440. An act granting an increase of pension to Amalia G. Sheppard;
- H. R. 10721. An act granting an increase of pension to Harriett I. Levis;
- H. R. 10738. An act granting an increase of pension to Thomas Prosser;
- H. R. 10760. An act granting a pension to Libbie A. Merrill;
- H. R. 10773. An act granting an increase of pension to George C. Rathbun;
- H. R. 10916. An act granting an increase of pension to Charles H. Shreeve;
- H. R. 11141. An act granting an increase of pension to Jesse S. Miller;
- H. R. 11169. An act granting an increase of pension to Robert P. Call;
- H. R. 11174. An act granting an increase of pension to Isaac Richards;
- H. R. 11232. An act granting an increase of pension to Aaron L. Packer;
- H. R. 11307. An act granting an increase of pension to Joseph J. Roberts;
- H. R. 11322. An act granting an increase of pension to Luther H. Starkey;
- H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee;
- H. R. 11562. An act granting an increase of pension to Adam Wiles;
- H. R. 11564. An act granting an increase of pension to James Morrow;
- H. R. 11636. An act granting an increase of pension to Lawrence Hagan;
- H. R. 11701. An act granting an increase of pension to Marvin Waldorff;
- H. R. 11708. An act granting an increase of pension to Jesse A. Ask;
- H. R. 11869. An act granting an increase of pension to Henry A. Geduldig;
- H. R. 11959. An act granting an increase of pension to Henry J. Rice;
- H. R. 12106. An act granting an increase of pension to George W. Reagan;
- H. R. 12124. An act granting an increase of pension to Howard Brown;
- H. R. 12152. An act granting an increase of pension to Leonidas E. Mills;
- H. R. 12370. An act granting an increase of pension to Mary E. Randolph;
- H. R. 12497. An act granting an increase of pension to Allen M. Haight;
- H. R. 12523. An act granting an increase of pension to Gancelo Leighton;
- H. R. 12554. An act granting an increase of pension to William Larraby;
- H. R. 12557. An act granting an increase of pension to John C. Berry;
- H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;
- H. R. 12676. An act granting an increase of pension to Francis M. Morrison;
- H. R. 13053. An act granting an increase of pension to Eli Bunting;
- H. R. 13054. An act granting an increase of pension to James M. Brown;
- H. R. 13201. An act granting a pension to Sarah A. Jones;
- H. R. 13253. An act granting an increase of pension to Robert M. C. Hill;
- H. R. 13740. An act granting an increase of pension to Jeremiah Bard;
- H. R. 13805. An act granting an increase of pension to Isaac Gordon;
- H. R. 13806. An act granting an increase of pension to John Campbell;
- H. R. 13813. An act granting an increase of pension to Samuel Brown;
- H. R. 13815. An act granting an increase of pension to Christian M. Good;
- H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton;
- H. R. 13956. An act granting an increase of pension to Alfred Featheringill;
- H. R. 13975. An act granting an increase of pension to Thomas H. Primrose;
- H. R. 14046. An act granting a pension to Jimison F. Skeens;
- H. R. 14238. An act granting an increase of pension to William H. Van Tassell;
- H. R. 14263. An act granting a pension to Fidelia Sellers;
- H. R. 14378. An act granting an increase of pension to Charles Settle;
- H. R. 14673. An act granting an increase of pension to David H. Semans;
- H. R. 14675. An act granting an increase of pension to James Davis;
- H. R. 14680. An act granting an increase of pension to Herman G. Weller;
- H. R. 14690. An act granting an increase of pension to Henrietta Hull;
- H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;
- H. R. 14767. An act granting an increase of pension to Henry Simon;
- H. R. 14860. An act granting an increase of pension to William D. Campbell;
- H. R. 14862. An act granting an increase of pension to Ann E. White;
- H. R. 14884. An act granting an increase of pension to Henry Stauffer;
- H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;
- H. R. 14985. An act granting an increase of pension to Mary Gramberg;
- H. R. 14995. An act granting an increase of pension to James H. Bell;
- H. R. 15017. An act granting an increase of pension to Joseph Strope;
- H. R. 15139. An act granting an increase of pension to James P. Mullen;
- H. R. 15150. An act granting an increase of pension to John O'Connor;
- H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;
- H. R. 15202. An act granting a pension to Henry Peetsch;
- H. R. 15297. An act granting an increase of pension to Nelson Hanson;
- H. R. 15317. An act granting an increase of pension to James B. F. Callon;
- H. R. 15421. An act granting an increase of pension to Paul Diedrich;
- H. R. 15430. An act granting an increase of pension to Oliver Lawrence;
- H. R. 15455. An act granting an increase of pension to John D. Brooks;
- H. R. 15463. An act granting an increase of pension to John Robb, 1st;
- H. R. 15580. An act granting an increase of pension to James P. Hudkins;
- H. R. 15630. An act granting a pension to Sarah Kizer;
- H. R. 15631. An act granting an increase of pension to Henry C. Worley;
- H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel;
- H. R. 15839. An act granting an increase of pension to Mary J. Burroughs;
- H. R. 15860. An act granting an increase of pension to Sarah C. Morris;
- H. R. 15868. An act granting an increase of pension to William H. Scullen;
- H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;
- H. R. 15890. An act granting an increase of pension to Hiram C. Barney;
- H. R. 15980. An act granting an increase of pension to John T. Smith;
- H. R. 16002. An act granting a pension to Theodore T. Bruce;
- H. R. 16087. An act granting an increase of pension to Charles W. Foster;
- H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;
- H. R. 16249. An act granting an increase of pension to Thomas Miller;
- H. R. 16488. An act granting an increase of pension to Charles Hopkins;
- H. R. 16493. An act granting an increase of pension to William T. Sallee;
- H. R. 16546. An act granting an increase of pension to Louis F. Beeler;
- H. R. 16895. An act granting an increase of pension to William M. Baker;

H. R. 17094. An act granting an increase of pension to James H. Sperry;
 H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels *Sotic R*, *Mathilda R*, and *Helen R*;
 H. R. 17172. An act granting an increase of pension to John Short;
 H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;
 H. R. 17486. An act granting an increase of pension to Rudolph Papst;
 H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;
 H. R. 17646. An act granting an increase of pension to James M. Sheak;
 H. R. 17770. An act granting an increase of pension to Julia P. Grant;
 H. R. 17773. An act granting an increase of pension to Carel Lane;
 H. R. 17810. An act granting an increase of pension to Saul Coulson;
 H. R. 17864. An act granting an increase of pension to Mary E. Austin;
 H. R. 17958. An act granting an increase of pension to Alexander Dixon;
 H. R. 17969. An act granting an increase of pension to Charles Walrod;
 H. R. 17988. An act granting a pension to Edward G. Hausen;
 H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;
 H. R. 18089. An act granting an increase of pension to Daniel J. Harte;
 H. R. 18114. An act granting an increase of pension to Henry B. Parker;
 H. R. 18155. An act granting an increase of pension to Frank S. Hastings;
 H. R. 18179. An act granting an increase of pension to William G. Baity;
 H. R. 18218. An act granting an increase of pension to Joseph L. Topham;
 H. R. 18242. An act granting an increase of pension to Francis Anderson;
 H. R. 18247. An act granting an increase of pension to William Baird;
 H. R. 18248. An act granting an increase of pension to John D. Evans;
 H. R. 18261. An act granting an increase of pension to John T. Mitchell;
 H. R. 18295. An act granting an increase of pension to Joshua B. Casey;
 H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;
 H. R. 18474. An act granting an increase of pension to Robert Sturgeon;
 H. R. 18494. An act granting an increase of pension to Emma-gene Bronson;
 H. R. 18574. An act granting an increase of pension to Levi Miles;
 H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;
 H. R. 18608. An act granting an increase of pension to Mary E. Strickland;
 H. R. 18634. An act granting an increase of pension to Mary Sullivan;
 H. R. 18637. An act granting an increase of pension to Henry L. Sparks;
 H. R. 18758. An act granting an increase of pension to Mary A. Daniel;
 H. R. 18761. An act granting an increase of pension to Benjamin Bolinger;
 H. R. 18771. An act granting an increase of pension to William G. Bailey;
 H. R. 18791. An act granting a pension to Michael Bocoskey;
 H. R. 18797. An act granting an increase of pension to John M. Defoe;
 H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;
 H. R. 18884. An act granting an increase of pension to Weymouth Hadley;
 H. R. 19023. An act granting an increase of pension to John T. Lester;
 H. R. 19044. An act granting an increase of pension to Samuel C. McCormick;
 H. R. 19045. An act granting an increase of pension to Mary A. Agey;

H. R. 19048. An act granting an increase of pension to Alfred Branson;
 H. R. 19117. An act granting an increase of pension to Mary E. Higgins;
 H. R. 19216. An act granting an increase of pension to Theophil Brodowski;
 H. R. 19237. An act granting an increase of pension to James Rout;
 H. R. 19280. An act granting an increase of pension to Peter J. Williamson;
 H. R. 19281. An act granting an increase of pension to Mary J. Gillem;
 H. R. 19363. An act granting an increase of pension to Theodore Bland;
 H. R. 19386. An act granting an increase of pension to Robert Stewart;
 H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;
 H. R. 19420. An act granting an increase of pension to Eliza A. McKean;
 H. R. 19426. An act granting an increase of pension to George N. Griffin;
 H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;
 H. R. 19479. An act granting an increase of pension to George W. Savage;
 H. R. 19490. An act granting a pension to Estelle I. Reed;
 H. R. 19510. An act granting an increase of pension to Richard B. West;
 H. R. 19541. An act granting an increase of pension to Job F. Martin;
 H. R. 19553. An act granting an increase of pension to James Robertson;
 H. R. 19577. An act granting an increase of pension to Mary L. Patton;
 H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;
 H. R. 19584. An act granting an increase of pension to Joseph B. Pettey;
 H. R. 19603. An act granting an increase of pension to Jacob Farner;
 H. R. 19629. An act granting an increase of pension to Oliver Morton;
 H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;
 H. R. 19648. An act granting an increase of pension to Sarah A. Wilson;
 H. R. 19651. An act granting an increase of pension to Joseph H. Prendergast;
 H. R. 19661. An act granting an increase of pension to Jacob McWilliams;
 H. R. 19672. An act granting an increase of pension to Thomas McDermott;
 H. R. 19703. An act granting an increase of pension to Seth Chase;
 H. R. 19708. An act granting an increase of pension to William A. Laffer;
 H. R. 19713. An act granting an increase of pension to Mary B. Mason;
 H. R. 19715. An act granting an increase of pension to Susan M. Brunson;
 H. R. 19716. An act granting an increase of pension to Mary F. Johnson;
 H. R. 19722. An act granting an increase of pension to William H. Burns;
 H. R. 19738. An act granting an increase of pension to Benjamin St. Clair;
 H. R. 19758. An act granting an increase of pension to Josefit Montano;
 H. R. 19762. An act granting an increase of pension to Clara C. Edsall;
 H. R. 19807. An act granting an increase of pension to John W. Marean;
 H. R. 19818. An act granting an increase of pension to William F. Clinkscales;
 H. R. 19838. An act granting an increase of pension to Richard E. Clapper;
 H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;
 H. R. 19872. An act granting an increase of pension to Richard E. Hassett;
 H. R. 19873. An act granting an increase of pension to Robert Webb;
 H. R. 19885. An act granting an increase of pension to Frank Scherer;

H. R. 19891. An act granting an increase of pension to Edwin D. Bates;
 H. R. 19907. An act granting an increase of pension to James Butler;
 H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman;
 H. R. 19923. An act granting an increase of pension to Bettie Ferguson;
 H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;
 H. R. 19963. An act granting an increase of pension to Charles Carter;
 H. R. 19967. An act granting an increase of pension to Martin L. Ohr;
 H. R. 19990. An act granting an increase of pension to Susan F. Christie;
 H. R. 19998. An act granting an increase of pension to Eunice Cook;
 H. R. 20029. An act granting an increase of pension to John B. Maison;
 H. R. 20061. An act granting an increase of pension to Caswell York;
 H. R. 20064. An act granting an increase of pension to William C. Arnold;
 H. R. 20078. An act granting an increase of pension to Walter M. English;
 H. R. 20085. An act granting an increase of pension to Robert Lafontaine;
 H. R. 20087. An act granting an increase of pension to Cassia C. Tyler;
 H. R. 20088. An act granting an increase of pension to Mary J. Thurmond;
 H. R. 20096. An act granting an increase of pension to Theresia Bell;
 H. R. 20117. An act granting an increase of pension to Preston J. Michener;
 H. R. 20129. An act granting an increase of pension to John Lemly;
 H. R. 20146. An act granting an increase of pension to Harriet C. Kenney;
 H. R. 20154. An act granting an increase of pension to George H. Dyer;
 H. R. 20166. An act granting an increase of pension to Sarah Salmon;
 H. R. 20198. An act granting an increase of pension to Mary E. Maddox;
 H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux;
 H. R. 20219. An act granting an increase of pension to Ellen Downing;
 H. R. 20222. An act granting an increase of pension to Henry C. Joseph;
 H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;
 H. R. 20250. An act granting an increase of pension to Thomas McBride;
 H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;
 H. R. 20272. An act granting an increase of pension to James L. House;
 H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
 H. R. 20286. An act granting an increase of pension to Bartholomew Holmes;
 H. R. 20292. An act granting a pension to Howard William Archer;
 H. R. 20303. An act granting an increase of pension to John Crowley;
 H. R. 20327. An act granting a pension to Elizabeth A. Downie;
 H. R. 20350. An act granting an increase of pension to Theodore F. Reighter;
 H. R. 20351. An act granting an increase of pension to Peter M. Simon;
 H. R. 20357. An act granting an increase of pension to Jane Aldridge;
 H. R. 20363. An act granting an increase of pension to Otis E. Rush;
 H. R. 20384. An act granting an increase of pension to Mary Wilson;
 H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim;
 H. R. 20415. An act granting an increase of pension to John H. Krom;

H. R. 20424. An act granting an increase of pension to George W. Wheeler;
 H. R. 20431. An act granting an increase of pension to John Neumann;
 H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;
 H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;
 H. R. 20581. An act granting an increase of pension to Nettie G. Kruger;
 H. R. 20586. An act granting an increase of pension to Calvin Judson;
 H. R. 20587. An act granting an increase of pension to Francis McMahon;
 H. R. 20613. An act granting an increase of pension to Hiram Steele;
 H. R. 20614. An act granting an increase of pension to James Howardson;
 H. R. 20683. An act granting an increase of pension to James Bond;
 H. R. 20712. An act granting an increase of pension to Samuel W. Searles;
 H. R. 20715. An act granting an increase of pension to Charles Ballantyne;
 H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;
 H. R. 20721. An act granting an increase of pension to James O. Pierce;
 H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit;
 H. R. 20725. An act granting a pension to Hope Martin;
 H. R. 20726. An act granting an increase of pension to Mary J. Smith;
 H. R. 20735. An act granting an increase of pension to Berge Larsen;
 H. R. 20829. An act granting an increase of pension to David M. Watkins;
 H. R. 20844. An act granting an increase of pension to Milton Russell;
 H. R. 20851. An act granting an increase of pension to Henry Hamme;
 H. R. 20852. An act granting an increase of pension to Theodore T. Tate;
 H. R. 20896. An act granting an increase of pension to James F. Henninger;
 H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;
 H. R. 20928. An act granting an increase of pension to Reuben A. George;
 H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;
 H. R. 20958. An act granting an increase of pension to Darius E. Garland;
 H. R. 20962. An act granting an increase of pension to Franklin H. Bailey;
 H. R. 20964. An act granting an increase of pension to John Fox;
 H. R. 20965. An act granting an increase of pension to Harvey Sine;
 H. R. 21001. An act granting an increase of pension to George Rhodes;
 H. R. 21015. An act granting an increase of pension to Evan H. Baker;
 H. R. 21019. An act granting an increase of pension to Benjamin F. Fell;
 H. R. 21033. An act granting an increase of pension to William P. Huff;
 H. R. 21045. An act granting an increase of pension to Unity A. Steel;
 H. R. 21054. An act granting an increase of pension to William G. Wilson;
 H. R. 21058. An act granting an increase of pension to William H. Isbell;
 H. R. 21086. An act granting an increase of pension to Jerry Johnson;
 H. R. 21119. An act granting an increase of pension to Alexander Boshea;
 H. R. 21124. An act granting an increase of pension to William B. Crane;
 H. R. 21142. An act granting an increase of pension to Joseph Rose;
 H. R. 21148. An act granting an increase of pension to Jacob A. Graham;
 H. R. 21162. An act granting an increase of pension to John W. Humphrey;

H. R. 21179. An act granting an increase of pension to Charles Green;
 H. R. 21185. An act granting an increase of pension to Mary M. Goble;
 H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;
 H. R. 21228. An act granting an increase of pension to Pleasant Crissip;
 H. R. 21302. An act granting an increase of pension to Nicolaus Kirsch;
 H. R. 21304. An act granting an increase of pension to Jacob Kohl;
 H. R. 21307. An act granting an increase of pension to Samuel Fauver;
 H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;
 H. R. 21519. An act granting an increase of pension to Montezuma St. John;
 H. R. 21575. An act granting an increase of pension to Calvin E. Morley;
 H. R. 21641. An act granting an increase of pension to Levi Eddy;
 H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;
 H. R. 21749. An act granting an increase of pension to Annie Reaney;
 H. R. 21828. An act granting an increase of pension to Noah Perrin;
 H. R. 21849. An act granting an increase of pension to John P. Dix;
 H. R. 21859. An act granting an increase of pension to Simon Stone;
 H. R. 22052. An act granting an increase of pension to James A. Meredith;
 H. R. 22207. An act granting an increase of pension to William A. Harlan;
 H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;
 H. R. 22280. An act granting an increase of pension to Emily V. Ackley;
 H. R. 22281. An act granting an increase of pension to Leonard Tyler;
 H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;
 H. R. 22424. An act granting an increase of pension to William Faulkner;
 H. R. 22566. An act granting an increase of pension to Joseph L. Six;
 H. R. 22568. An act granting an increase of pension to John H. Christman;
 H. R. 22607. An act granting an increase of pension to John T. Hetherlin;
 H. R. 22684. An act granting an increase of pension to William Sherk;
 H. R. 22717. An act granting an increase of pension to Mary A. Brick;
 H. R. 22932. An act granting an increase of pension to Brynigel Severson;
 H. R. 22937. An act granting an increase of pension to Edward Murphy;
 H. R. 22997. An act granting an increase of pension to Edmond D. Doud;
 H. R. 23307. An act granting an increase of pension to Andrew Casey;
 H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.;
 H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.; and
 H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the common council of Astoria, Oreg., on behalf of the people of the North-

west, praying for an investigation into the conditions of the coal shortage in that part of the country; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented petitions of sundry citizens of Stamford, N. Y., and of the congregations of the Methodist and Baptist churches of Greece, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented a concurrent resolution of the legislature of Kansas, praying for the enactment of legislation to abolish the duty on lumber; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 8.

Be it resolved by the legislature of the State of Kansas, to wit, that—

Whereas the manufacturers' price on white-pine lumber has increased 100 per cent during the past ten years, as shown by the annexed table of prices, and that yellow-pine lumber has increased in like proportions:

	Wholesale price in—	
	1897.	1907.
12-inch No. 1 barn boards.....	\$18.50	\$38.00
12-inch common barn boards.....	14.50	30.00
10-inch roofing boards.....	14.50	28.00
8-inch ship lapboards.....	13.50	28.00
6-inch rough fencing.....	15.00	30.75
6-inch siding.....	20.00	30.00
Common finishing lumber.....	20.00	36.00
Common sheathing lath.....	9.00	23.75
Common plastering lath.....	2.25	5.75

And whereas the increased price of lumber is due in a great measure to the control of the standing pine and its manufacture by a comparatively few men, and is made possible by the tariff prohibiting the importation of manufactured lumber, and in that manner restricting the supply; and

Whereas the manufacturers of and holders of lumber have grown immensely wealthy by the reasons above given, until one Frederick Weyerhaeuser's wealth, it is said, equals Rockefeller's; and

Whereas the tariff on lumber adds to the already enormous profit of the wholesalers from \$35 to \$50 a car; and

Whereas the tariff on lumber is a direct tax to the user and works a particular disadvantage to the farmers of Kansas: Therefore, be it

Resolved by the senate (the house concurring therein), That our Representatives in Congress be instructed to prepare and introduce a bill abolishing the duty on lumber; and be it

Further resolved, That our Senators and Representatives in Congress be requested to vote for and support such a measure.

And that a copy of these resolutions be furnished each of our Senators and Representatives in Congress by the secretary of the senate.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 22, 1907.

W. J. FITZGERALD,
President of the Senate.
W. S. KRETSINGEN,
Secretary of the Senate.

Passed the House January 23, 1907.

J. S. SIMMONS,
Speaker of the house.
D. Y. WILSON,
Chief clerk of the house.

Mr. LONG presented a concurrent resolution of the legislature of the State of Kansas, praying for the ratification of reciprocal trade treaties with certain countries looking to the admission of agricultural and meat products; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 2.

Be it resolved by the senate of Kansas (the house of representatives concurring therein):

First. That our Senators in Congress are hereby instructed and our Representatives in Congress are hereby requested to use all honorable efforts to secure the immediate removal of the tariff upon lumber, and such reduction of the tariff upon iron and steel and the products thereof as will preserve a reasonable protection to American labor and at the same time relieve the American people from the excessive and exorbitant prices now demanded and received by the steel trust and other producers of iron and steel and their products.

Second. Our Senators in Congress are hereby instructed and our Representatives in Congress are hereby requested to use all honorable efforts to secure the immediate enactment of a law giving to the President of the United States authority to conclude such reciprocal trade agreements with foreign countries as shall open for the agricultural products of this country, and particularly beef and pork, those markets now practically closed to them by reason of the tariff war existing between this and foreign countries, said law to provide for the immediate taking effect of such agreement, if any, made by the President of the United States without further action upon the part of Congress or either branch thereof.

Third. *Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house, and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress.*

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 22, 1907.

W. J. FITZGERALD,
President of the Senate.
W. S. KRETSINGEN,
Secretary of the Senate.

Passed the house January 23, 1907.

J. S. SIMMONS,
Speaker of the House.
D. Y. WILSON,
Chief Clerk of the House.

Mr. SCOTT presented a memorial of the State Grange, Patrons of Husbandry, of West Virginia, remonstrating against the adoption of the House substitute for the Senate ship-subsidy bill; which was ordered to lie on the table.

Mr. KNOX presented a petition of Local Union, Junior Order United American Mechanics, of Dickerson Run, Pa., and a petition of Washington Camp, No. 67, Patriotic Order Sons of America, of Womelsdorf, Pa., praying for the adoption of an educational test to the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a memorial of the Liberal Immigration League of New York City, remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of the congregation of the Methodist Episcopal Church of Liberty, of the Woman's Christian Temperance Union of Bellevue, of the congregations of the Methodist Episcopal, First Presbyterian, and the First United Protestant churches of Kittanning, and of the congregation of the Grace Methodist Episcopal Church, of Newcastle, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of the Council of Jewish Women of Oil City; O. S. Hersham, of Pittsburg; A. P. Moore, of Pittsburg, all in the State of Pennsylvania, and of the Council of Jewish Women of Seattle, Wash., remonstrating against the adoption of the so-called "low-vitality" or "poor-physique" clause to the immigration bill; which were referred to the Committee on Immigration.

He also presented petitions of C. P. Hawks, of Slippery Rock; M. Estelle Williams, of Coatesville; B. S. Chanyney, of Philadelphia; E. S. Spencer, of Philadelphia; Sarah A. Steele, of Fairmount Springs, and J. A. Shafer, of Duquesne, all in the State of Pennsylvania, praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry business firms of Decatur, Chicago, Jacksonville, Moline, and Aurora, all in the State of Illinois, praying that an appropriation be made for the preservation of models in the United States Patent Office; which were referred to the Committee on Appropriations.

He also presented petitions of sundry business firms of Decatur, Chicago, Hoopston, and Rockford, all in the State of Illinois, praying that an appropriation be made for the construction of a deep waterway from the Great Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

Mr. BULKELEY presented a memorial of sundry Hebrew organizations of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Young People's Society of Christian Endeavor of the South Congregational Church of New Britain, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of Albany, Oreg., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of nine lodges of Hebrew-Americans of New Haven, Conn., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. CLAPP. I present a memorial of the Eastern Cherokee Indians, praying for the adoption of an amendment to the Indian appropriation bill allowing the amount awarded them under the judgment of the Supreme Court, October term, 1905, etc. I move that the memorial be printed as a document.

The motion was agreed to.

Mr. BURNHAM presented a petition of the Young Women's Christian Association of Colby Academy, New London, N. H.,

praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of Fred W. Barlow and 4 other citizens of Manchester, N. H., and the petition of J. E. Bernier, of Manchester, N. H., praying for the enactment of legislation to modify the present postal fraud-order law; which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Vancouver, Marysville, and Seattle, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DUBOIS presented the petition of C. M. White and 187 other citizens of Bannock County, Idaho, praying that an appropriation be made providing for the irrigation of the Fort Hall lands around Pocatello, in that State; which was referred to the Committee on Indian Affairs.

Mr. DANIEL presented a petition of the Retail Merchants' Association of Portsmouth, Va., and a petition of the Board of Trade of Norfolk, Va., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of G. W. Koerner, of Richmond, Va., and the memorial of R. H. Baker, jr., and sundry other citizens of Norfolk, Va., remonstrating against the enactment of legislation to abolish the Division of Biological Survey in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 874) granting an increase of pension to Calvin W. Green; which were referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation providing for a reclassification and increase in the salaries of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16886) granting an increase of pension to Elizabeth A. Murrey;

A bill (H. R. 16506) granting an increase of pension to Kate S. Church;

A bill (H. R. 16487) granting an increase of pension to Martha Lavender;

A bill (H. R. 16340) granting an increase of pension to William M. Harris;

A bill (H. R. 16283) granting an increase of pension to Archibald H. R. Calvin;

A bill (H. R. 16181) granting an increase of pension to Ann Rafferty;

A bill (H. R. 15965) granting an increase of pension to Stephen Gangwer;

A bill (H. R. 17634) granting an increase of pension to John S. Cochran;

A bill (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake;

A bill (H. R. 17581) granting an increase of pension to Aquilla Williams;

A bill (H. R. 17483) granting an increase of pension to William H. Loyd;

A bill (H. R. 17369) granting an increase of pension to Minor B. Monaghan;

A bill (H. R. 17335) granting an increase of pension to Lewis F. Belden;

A bill (H. R. 17331) granting an increase of pension to Douglas V. Donnelly;

A bill (H. R. 17330) granting an increase of pension to William Tuders;

A bill (H. R. 17204) granting a pension to Sarah E. Robey;

A bill (H. R. 17058) granting an increase of pension to James H. O'Brien;

A bill (H. R. 16813) granting an increase of pension to Charles Brumm;

A bill (H. R. 16698) granting an increase of pension to Henry H. Davis;

A bill (H. R. 16458) granting an increase of pension to Daniel W. Gillam;

A bill (H. R. 18681) granting an increase of pension to William E. Gray;

A bill (H. R. 18383) granting an increase of pension to Frederick Shinaman;

A bill (H. R. 18323) granting an increase of pension to Richard B. Rankin;

A bill (H. R. 18322) granting an increase of pension to Hezekiah James;

A bill (H. R. 18042) granting an increase of pension to James H. Sinclair;

A bill (H. R. 18014) granting an increase of pension to Elbridge P. Boyden;

A bill (H. R. 17817) granting an increase of pension to John Grimm;

A bill (H. R. 17712) granting an increase of pension to Frank J. Biederman; and

A bill (H. R. 17642) granting an increase of pension to Roland M. Johnson.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. NELSON on the 22d instant, authorizing an extension to the Federal building at Duluth, Minn., and proposing to appropriate \$105,000 for the purchase or acquiring of new Federal building site, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HOPKINS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7989) for acquiring a site and the erection of a Federal building for the post-office at Duquoin, Ill., asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 20605) granting a pension to Mary E. P. Barr, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20073) granting an increase of pension to Henry Luft;

A bill (H. R. 20862) granting an increase of pension to August Weber;

A bill (H. R. 20731) granting an increase of pension to Peter Buchmann;

A bill (H. R. 20730) granting an increase of pension to John Carpenter;

A bill (H. R. 20729) granting an increase of pension to Benjamin Lyons;

A bill (H. R. 20728) granting an increase of pension to Ira D. Hill;

A bill (H. R. 20967) granting an increase of pension to Samuel W. Hines;

A bill (H. R. 20966) granting an increase of pension to Thomas Jones;

A bill (H. R. 20960) granting an increase of pension to Sarah M. Bickford;

A bill (H. R. 20931) granting an increase of pension to John N. Shear;

A bill (H. R. 20930) granting an increase of pension to Joseph Rouge;

A bill (H. R. 20929) granting an increase of pension to Thomas D. King;

A bill (H. R. 20887) granting an increase of pension to Emma Walters;

A bill (H. R. 20882) granting an increase of pension to Luther W. Harris;

A bill (H. R. 20860) granting an increase of pension to Charles T. Chapman;

A bill (H. R. 20859) granting an increase of pension to Henry C. Hughes;

A bill (H. R. 20856) granting an increase of pension to Catharine A. Greene;

A bill (H. R. 20855) granting an increase of pension to George Hierl, alias George Hill;

A bill (H. R. 20854) granting an increase of pension to Thomas Welch;

A bill (H. R. 20842) granting an increase of pension to Henry Joyce;

A bill (H. R. 20834) granting an increase of pension to Franklin Comstock;

A bill (H. R. 20831) granting an increase of pension to James R. Dunlap;

A bill (H. R. 20822) granting an increase of pension to Milton L. Howard;

A bill (H. R. 20821) granting an increase of pension to John L. Newman;

A bill (H. R. 20737) granting an increase of pension to William G. Whitney;

A bill (H. R. 20881) granting an increase of pension to Martha J. Weaverling;

A bill (H. R. 20861) granting an increase of pension to Catharine Weigert;

A bill (H. R. 20719) granting an increase of pension to James C. Price;

A bill (H. R. 20689) granting an increase of pension to Francis Doughty;

A bill (H. R. 20686) granting an increase of pension to Joshua S. Jayne;

A bill (H. R. 20685) granting an increase of pension to Joseph R. Benham;

A bill (H. R. 20654) granting an increase of pension to William A. Nichols;

A bill (H. R. 20647) granting an increase of pension to Dominick Garvey;

A bill (H. R. 20618) granting an increase of pension to George W. Brinton;

A bill (H. R. 20568) granting an increase of pension to Chester R. Pitt;

A bill (H. R. 20558) granting an increase of pension to Mark W. Terrill;

A bill (H. R. 20557) granting an increase of pension to Webster Miller;

A bill (H. R. 20356) granting an increase of pension to Mary T. Mathis;

A bill (H. R. 20291) granting an increase of pension to Emma F. Buchanan;

A bill (H. R. 20734) granting an increase of pension to Amos Kellner;

A bill (H. R. 20733) granting an increase of pension to Oscar Andrews; and

A bill (H. R. 20970) granting an increase of pension to Edgar Weaver.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills; reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20244) granting an increase of pension to Alfred Hayward;

A bill (H. R. 20236) granting an increase of pension to William E. Richards;

A bill (H. R. 20224) granting an increase of pension to Philip Hamman;

A bill (H. R. 20212) granting an increase of pension to George W. Green;

A bill (H. R. 20201) granting an increase of pension to Charles W. Airey;

A bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels;

A bill (H. R. 20188) granting an increase of pension to John H. McCain, alias John Croft;

A bill (H. R. 20091) granting an increase of pension to John A. Smith;

A bill (H. R. 20079) granting an increase of pension to Richard F. Barret;

A bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland;

A bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott;

A bill (H. R. 19994) granting a pension to Ritty M. Lane;

A bill (H. R. 19976) granting a pension to Nelson Isbill;

A bill (H. R. 19969) granting an increase of pension to Henry K. Burger;

A bill (H. R. 19943) granting an increase of pension to Edward La Coste;

A bill (H. R. 19869) granting an increase of pension to John E. Bowles;

A bill (H. R. 19863) granting an increase of pension to Walter B. Swain;

A bill (H. R. 19832) granting an increase of pension to George W. Smith;

A bill (H. R. 19770) granting an increase of pension to James G. Van Dewalker;

A bill (H. R. 19706) granting an increase of pension to Almon Wood;

A bill (H. R. 19628) granting an increase of pension to Elizabeth Mooney;

A bill (H. R. 19526) granting an increase of pension to Judson H. Holcomb;

A bill (H. R. 19401) granting an increase of pension to Campbell Cowan;

A bill (H. R. 19400) granting an increase of pension to Washington M. Brown;

A bill (H. R. 19384) granting an increase of pension to Susan E. Hernandez;

A bill (H. R. 19294) granting an increase of pension to Francis M. Hatten;

A bill (H. R. 19263) granting an increase of pension to John Ingram;

A bill (H. R. 19133) granting an increase of pension to Fergus P. McMillan;

A bill (H. R. 18969) granting an increase of pension to Herman Hagemiller;

A bill (H. R. 18881) granting an increase of pension to Alexander B. Mott; and

A bill (H. R. 18723) granting an increase of pension to William E. Hanigan.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 2708) for the relief of B. Jackman, reported it without amendment, and submitted a report thereon.

Mr. McENERY, from the Committee on Public Lands, to whom was referred the bill (H. R. 15242) to confirm titles to certain lands in the State of Louisiana, reported it without amendment, and submitted a report thereon.

Mr. CLAPP. I am directed by the Committee on Indian Affairs to whom was referred the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, to report it with amendments, and to submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLAPP. I ask that the hearings before the Committee on Indian Affairs on the Indian appropriation bill be printed as a Senate document.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

CHARLES B. BENTLEY.

Mr. HEMENWAY. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 714) for the relief of Charles B. Bentley, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Charles B. Bentley, postmaster at Warsaw, Ind., \$97, to reimburse him for the loss of key-deposit funds and damage to post-office fixtures through burglars, and for the expense resulting from a due vigilance to apprehend the thieves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 8215) granting an increase of pension to James W. Lendsay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8216) granting an increase of pension to Theodore Daniels;

A bill (S. 8217) granting an increase of pension to William Clemens;

A bill (S. 8218) granting an increase of pension to John Davenport;

A bill (S. 8219) granting an increase of pension to Michael Condon;

A bill (S. 8220) granting an increase of pension to Absalom C. Funkhouser;

A bill (S. 8221) granting an increase of pension to Henry C. Riggs;

A bill (S. 8222) granting a pension to Mary Greer Barber; and

A bill (S. 8223) granting an increase of pension to Joseph N. Foster.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8224) granting an increase of pension to Charles Gunter;

A bill (S. 8225) granting an increase of pension to Elizabeth P. Hargrave;

A bill (S. 8226) granting an increase of pension to Franklin B. Carland; and

A bill (S. 8227) granting an increase of pension to John H. Johnson.

Mr. WHYTE introduced a bill (S. 8228) granting a pension to Hester B. Parrish; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 8229) granting an increase of pension to John W. Gault; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 8230) for the relief of Harold D. Childs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 8231) to legalize the incorporation of the city of Pawhuska, Osage Indian Reservation, Okla., and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8232) granting an increase of pension to Charles E. Collins; and

A bill (S. 8233) granting an increase of pension to Joseph Zumalt.

Mr. KEAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8234) granting a pension to Georgia L. Burand (with accompanying papers); and

A bill (S. 8235) granting a pension to James Huntington (with accompanying papers).

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 8236) granting an increase of pension to Thomas T. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 8237) granting an increase of pension to Lydia Irvine; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8238) for the relief of William Foley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8239) to increase the salary of the deputy naval officer at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 8240) to establish Paul Jones Day in the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. PROCTOR introduced a bill (S. 8241) granting an increase of pension to James Kavanagh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 8242) granting a pension to Ledora J. Weisman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 8243) granting an increase of pension to John H. Coonrod; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment relative to the pay and allowances of the professors of mathematics in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to fix the salaries of the chief justice and five associate justices of the supreme court of the District of Columbia at \$7,000 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LONG submitted an amendment authorizing the accounting officers of the Treasury Department to reopen and restate the accounts of Charles A. Davidson and Charles M. Campbell, clerks of the United States district courts for Indian Territory, etc., intended to be proposed by him to the general deficiency

appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TALIAFERRO (by request) submitted an amendment proposing to increase the number of surgeons of the police and fire departments in the District of Columbia from four to five, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$235,000 for expenses of fog signals, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. RAYNER submitted an amendment relative to an appropriation of \$130,629.67 for expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AGRICULTURAL BANK IN THE PHILIPPINES.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands; which was referred to the Committee on the Philippines, and ordered to be printed.

WITHDRAWAL OF PAPERS—BRIDGET E. CHRYSTIE.

On motion of Mr. NELSON, it was

Ordered, That all papers in the files of the office of the Secretary of the Senate relating to the bill S. 4085, Fifty-eighth Congress, granting a pension to Bridget E. Chrystie, be withdrawn, there having been no adverse report on said bill.

LITTLE CONTENTNEA RIVER (N. C.) SURVEY.

Mr. OVERMAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

AMENDMENT OF MEAT-INSPECTION LAW.

Mr. BEVERIDGE. Mr. President, I wish to ask the chairman of the Committee on Agriculture and Forestry at what time the Senate may expect that the bill introduced the first day of the present session amending the meat law by putting the cost of inspection upon the packers and requiring a label on the cans will be reported from the committee?

Mr. PROCTOR. Mr. President, I was not aware that the Senator from Indiana [Mr. BEVERIDGE] was urgent for an early report of the bill. It was my impression that he proposed to offer it as an amendment to the agricultural appropriation bill. I do not recall that he has asked the committee for a prompt report. But if the Senator wishes immediate consideration of the bill, I can say to him that the committee will meet within three or four days and will be glad to give him a hearing upon the bill as a separate measure.

Mr. BEVERIDGE. Mr. President, I wish to say that in making the query I make no criticism whatever of the committee for not earlier reporting the bill. I merely wanted to call the attention of the committee and of the Senate to it. It was a provision in the bill which the Senate unanimously passed last year, and it was the provision over which the contention with the House occurred. To save the whole bill the Senate receded upon these two points, with notice given on the floor at the time that the subject would again be brought forward and pressed.

So far as I am concerned, and I am sure others feel the same way, there is no disposition at all to drop this matter. Indeed, there is a greater disposition to urge it than before. I hold in my hand advertisements so large that all the Senate can see them, using the language of the bill: "United States. Inspected and passed under the act of Congress of June 30, 1906." That is the kind of an advertisement which the Senator from Vermont correctly pointed out to the Senate last year would be worth millions of dollars to the meat trust. Yet we are not only giving them that, but \$3,000,000 a year in cash.

I merely meant by my query not to criticize the committee at all, which, of course, as everybody knows, is one of the most faithful and hardest working committees of this or any other body, but to call attention to the fact, now that so much of the time of the Senate has been consumed in the Brownsville affair, that this matter of amending the meat law along the lines upon which the Senate committee took its position last year will be pressed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904; and

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.

H. R. 24747. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit was read twice by its title, and referred to the Committee on the Judiciary.

LAND IN ST. AUGUSTINE, FLA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes.

Mr. HANSBROUGH. I move that the Senate disagree to the House amendment and request a conference upon the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. McLAURIN, and Mr. DUBOIS as the conferees on the part of the Senate.

CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. Mr. President, I gave notice that on today I would call up Senate bill 6147. The Senator from Montana [Mr. CARTER] has suggested to me that he would very much like to proceed this morning with the discussion of the unfinished business. I will ask the Senator if we could make an arrangement whereby at half past 2 o'clock those who are debating the unfinished business will yield to me to call up the bill in which I am interested? I think it will not take very long to consider it.

Mr. CARTER. I certainly will be glad to yield to the Senator if I have the floor at that time.

Mr. GALLINGER. With that understanding, I will yield to the Senator from Montana.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, with a view of expediting the business of the session I desire to ask unanimous consent of the Senate for the adoption of the following order.

The VICE-PRESIDENT. The proposed order will be read by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, February 20, 1907, immediately upon the conclusion of the routine morning business, the Senate will proceed to consider the resolution S. Res. 142: "Resolved, That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah," and that at 4 o'clock p. m. on said day the Senate will proceed to vote upon any amendments that may then be pending or offered, and thereupon the resolution itself, without further debate.

The VICE-PRESIDENT. Is there objection to the order proposed?

Mr. LODGE. On what day?

Mr. BURROWS. The 20th of February.

Mr. ALLISON. I think the order should be subject to the consideration of the appropriation bills at that late day.

Mr. BURROWS. Then there would be no object in securing the order. We certainly ought to have a vote on the resolution before the Congress ends.

Mr. ALLISON. I do not wish to interfere in this matter, but I should think that we might be in a situation then which would require the attention of the Senate to appropriation bills.

Mr. BURROWS. The Senator will bear in mind that this is a privileged matter, subject to call at any time under the rules, and I think it is the general desire on all sides to have it disposed of. In the meantime if debate is desired there will be ample opportunity for it, and at 4 o'clock on the day named the Senate will take a vote on the resolution.

The VICE-PRESIDENT. Is there objection to the proposed order?

Mr. BEVERIDGE. May I ask the Senator from Michigan whether or not he has conferred with the Senator from Ohio [Mr. FORAKER] about the date proposed?

Mr. BURROWS. I have.

Mr. BEVERIDGE. It is satisfactory to him?

Mr. BURROWS. It is agreeable to him, agreeable to the members of the committee, and to Mr. Smoot himself.

The VICE-PRESIDENT. Is there objection to the order proposed?

Mr. FRYE. Mr. President, at this late day in the session, with so many appropriation bills not considered, I think every unanimous-consent agreement should except appropriation bills. The Senator from Maine [Mr. HALE] yesterday made a request of that kind, and said that if he were present he should object. I see that that Senator is not in his seat.

Mr. BERRY. He is in the Chamber.

Mr. FRYE. If he is in the Chamber, I have nothing to say.

Mr. BURROWS. In view of the fact that it is a privileged matter and can be brought before the Senate at any time by a vote, I thought it would expedite business very much to have an hour fixed when the vote should be taken—not to have a long debate, but to have a vote upon the resolution.

Mr. FRYE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Michigan yield to the junior Senator from Maine?

Mr. BURROWS. Certainly.

Mr. FRYE. Now that the Senator from Maine has returned to his seat, I will state that I was saying he yesterday indicated that he would object to any unanimous-consent agreement unless the appropriation bills were excepted.

Mr. HALE. I think the chairman of the Committee on Appropriations has already made that suggestion.

The VICE-PRESIDENT. Is there objection to the order?

Mr. ALLISON. I object.

The VICE-PRESIDENT. Objection is made.

Mr. SMOOT. Mr. President—

Mr. BURROWS. A moment, Mr. President. Do I understand objection is made?

The VICE-PRESIDENT. Objection is made to the order as proposed.

Mr. BURROWS. Mr. President, if objection is made, I desire to state that I shall feel it my duty, of course, to press the consideration of this resolution with as much earnestness as its privileged character will permit.

Mr. SMOOT. Mr. President, I hope the Senator from Iowa will withdraw his objection. Personally I should like to have a vote upon this matter at an early date. As to the day which has been suggested, if the Senate thinks that would interfere at all with the consideration of appropriation bills, I shall be glad to have the time for a vote placed at an earlier date.

I will say, in addition, that rather than take any further time of the Senate in this matter, if an earlier date would suit the convenience of the Senate, I should be perfectly willing to let the vote be taken without any further discussion. I hope the Senator from Iowa will withdraw his objection and let the vote be taken upon the resolution.

Mr. DUBOIS. Mr. President, I hope the Senator from Iowa will allow this matter to be voted on. It has now been before the Senate for almost three years. A day being fixed, not any more time will be consumed. I therefore ask the Senator from Iowa, under the circumstances, in consideration of the importance of the matter and in view of the fact that all concerned are anxious to have a vote, not to insist on his objection.

Mr. ALLISON. Mr. President, I could not hear the observations of the Senator from Idaho [Mr. DUBOIS]. I do not wish to interfere with the vote upon this resolution or with its consideration. I know it is an important matter, and I believe it should be disposed of; but it is customary at this stage of the session that appropriation bills, when they are ready for action, should be promptly taken up and disposed of.

As I understand the resolution proposed by the Senator from Michigan, it is practically to occupy the day on the 20th of February.

Mr. BURROWS. Not necessarily. There will be discussion, I presume, and remarks on the matter between now and that date.

Mr. ALLISON. I hope so.

Mr. BURROWS. The order simply provides that at 4 o'clock on the day named a vote shall be taken on the resolution.

Mr. ALLISON. Do I understand that the vote will be taken at 4 o'clock—a specified time?

Mr. BURROWS. At 4 o'clock, as specified in the order.

Mr. ALLISON. And nothing else?

Mr. BURROWS. No.

Mr. ALLISON. That is to say that the question shall be taken up at 4 o'clock and disposed of?

Mr. BURROWS. Certainly.

Mr. ALLISON. I supposed the day was to be devoted to debate.

Mr. BURROWS. No; not necessarily.

Mr. ALLISON. Let the order be again read, Mr. President.

The VICE-PRESIDENT. The order proposed by the Senator from Michigan will be again read.

The Secretary read the order proposed by Mr. BURROWS, as follows:

It is agreed by unanimous consent that on Wednesday, February 20, 1907, immediately upon the conclusion of the routine morning business, the Senate will proceed to consider the resolution S. Res. 142: "Resolved, That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah," and that at 4 o'clock p. m. on said day the Senate will proceed to vote upon any amendments that may then be pending or offered, and thereupon on the resolution without further debate.

Mr. ALLISON. To that I object.

Mr. BURROWS. I was in error in stating that the resolution was not to be taken up after the conclusion of the routine morning business.

Mr. ALLISON. I thought the Senator must be mistaken.

Mr. BURROWS. Under the proposed order the resolution is to be taken up at the conclusion of the routine morning business. If that is objectionable to the Senator, I have no objection to striking that out, and simply provide that on the 20th day of February, at 4 o'clock, a vote shall be taken on the resolution.

Mr. ALLISON. It is not objectionable to me. I have no objection to interpose to the consideration of the resolution. I know it is a privileged question. I only wish to call attention to the fact that here was a day to be devoted to this subject, and that the usual exception, which is made in all resolutions at this stage of the session as to the consideration of appropriation bills, was not provided for.

I withdraw any objection to the consideration of the order as the Senator has modified it.

Mr. FORAKER. Mr. President, I suppose there is nothing in that order which will prevent the discussion of the general subject at any time prior to that date.

Mr. BURROWS. Oh, no.

The VICE-PRESIDENT. Is there objection to the adoption of the order proposed by the Senator from Michigan?

Mr. BACON. I understand the order as presented by the Senator from Michigan is now up for consideration.

The VICE-PRESIDENT. It is now up for consideration.

Mr. BACON. With the modification suggested by the Senator from Iowa [Mr. ALLISON], I have no objection to the adoption of the order.

The VICE-PRESIDENT. The question is on the adoption of the order submitted by the Senator from Michigan [Mr. BURROWS] as modified. The order as modified is agreed to.

ISSUANCE OF LAND PATENTS.

The Senate proceeded to consider the resolution submitted by Mr. CARTER January 9, 1907, relating to the issuance of patents on homestead entries, etc.

Mr. CARTER. Mr. President, I can assure the Senate that only a sense of duty could impel me to ask any considerable portion of its time at this late stage in the short session. It is known that adjournment must occur on the 4th of March, and it is likewise well known that the regular business of the session will engross the attention of the Senate for nearly every available hour of the time intervening between this and that date.

I had long hoped, and earnestly hoped, that the subject to which I feel constrained to address myself briefly to-day might not imperatively call for the remarks I feel called upon to make. The serious aspect of the case is presented by the demand for the cooperation of the legislative department of the Government in a policy of the Interior Department which, according to my judgment, is wholly un-American and utterly indefensible—a policy of the Interior Department under which untold hardship has been inflicted upon a large and worthy class of our citizens living beyond the Mississippi River.

The appropriation called for by the Interior Department necessarily involves a complete reversal of the policy of this Government, steadily, successfully, and beneficently pursued for nearly fifty years with reference to settlers on the public domain.

The resolution presented by me on the 9th of this month, to which I briefly call the attention of the Senate this morning, reads as follows:

Resolved, That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

The resolution is called forth by an order of the Secretary of the Interior directed to the Commissioner of the General Land Office, dated on the 18th of December last, and instructing that officer as follows:

That no patent be hereafter issued to public land under any law until by an examination on the ground by a special agent of your Office, or such other officer or agent of this Department as may be designated by the Secretary of the Interior, actual compliance with that law has been found to exist.

This order of the honorable Secretary of the Interior expresses his final estimate of the truth and veracity, the honor and integrity, and the good faith of all the settlers on the public domain of the United States.

It likewise calls into question the good faith of every individual having dealings of any kind, character, or description with the Government of the United States in reference to the public lands. The order is without precedent in the history of the Government. It is without parallel in the history of any government, save as applied to provinces, classes, or individuals suspected of treasonable designs. It is the culmination of a policy unwarranted in fact and founded only on baseless suspicion. The public records demonstrate that the order is not only needless, but harsh, cruel, and oppressive.

For the last six years sensational reports of evil doings in the public-land States have been emanating from the Interior Department from day to day so sweeping in their scope as to create the impression in other sections that the entire western population is, and has been, engaged in a veritable saturnalia of criminal conspiracy, fraud, and perjury over the whole broad surface of the public domain. Since 1901 insidious interviews and boisterous proclamations have passed from the Interior Department to the public press reflecting upon all those seeking title to public lands. The words "graffers," "land grabbers," "conspirators," "looters of the public domain," and like terms have become a part of the vernacular of the Secretary's office in referring to public-land entrymen of all kinds. The routine work of the land service has been pillaged in quest of items for publication reflecting on individuals and communities. The slightest irregularity savoring of scandal or possible sensation has been diligently exploited before, during, and after investigation. Everyone was indicted and no acquittals were ever recorded in these scandalous reports. The exploitation of evil reports has been a conspicuous feature of the present Secretary's administration. Fraud has been constantly and vociferously shouted from the house tops. Every item or incident colorable by suspicion into sensational appearance has been given wings. Ordinary occurrences have been magnified into the semblance of great events. On the assumption that our settlers are land thieves in the main, the most odious, oppressive, and exasperating treatment has been meted out to them in numerous cases for the last five or six years. Residents of the public-land States no longer enjoy the presumption of innocence, but rather face the presumption of guilt. They are charged with conspiracy to despoil their own States, to limit their future possibilities by oppressing themselves, and with cheating their Government in the interest of grasping speculators. No exceptions are made by the order of December 18.

Should some morbid moral delinquent pay nightly visits to the dens of vice and make morning calls at the police courts in all your splendid eastern cities, and then announce to the world from day to day with loud acclaim that crime and moral leprosy overwhelmed you all, he would, at his pitiable best, play in your field the part the Secretary of the Interior and his cohorts have played as regards the people of the public-land States for the last six years. Unchecked by contradiction, emboldened by nonresistance from the West, and unmerited applause from other quarters, the Secretary finally violated the legal rights and assailed the veracity and integrity of hundreds of thousands of entrymen on the public domain by and through the brief order complained of. Excluding the timbered area of the Northwest, the people of every locality in the country concerned well knew that as to their locality the oft-repeated charges of the Secretary were unfounded to any justifiable extent; but they supposed, being in possession of the public records, that that official knew of flagrant violations of the law in other sections. If frauds were being perpetrated in the acquisition of public land, the settlers of every locality in the West desired them stopped and the perpetrators punished. As to their several neighborhoods residents generally knew the charges were wrong, whereas all the people outside of the public-land States believed the charges were well-founded, and so believing applauded the Secretary as engaged in a righteous crusade against crime. The fact that every fraudulent transaction complained of was initiated and consummated under the administration of the present Secretary was not given publicity. Few

have stopped to consider the slender basis of the charges made indiscriminately against 15,000,000 of people inhabiting fourteen States and three Territories.

Notwithstanding the expenditure of an excessive amount of money by the present Secretary, the truth remains to be told that the percentage of fraudulent public-land entries for the last eight years, disclosed by investigation, bears about the same annual proportion to the whole number of entries as obtained during each of the preceding forty years. It remains to be shown by the records that the present Secretary of the Interior has been less efficient during his eight years of service in challenging erroneous, improper, or fraudulent land entries than were his four predecessors during the eight preceding years. Even the abuses under the so-called "timber and stone law," which the Secretary might have stopped any day, are shown by the records to have been shamefully exaggerated.

I fully realize that even the President of the United States has been deceived and alarmed by the current, oft-repeated, and uncontradicted reports of the Secretary. The President has not been able to go through the records and into the details of the Interior Department and its operations. Burdened with more work than any of his predecessors have undertaken, the President must accept the statements of his subordinates as true. He can not check and countercheck them all.

The President must rely upon the statements of his subordinates. If he can not place implicit reliance upon the statements of a Cabinet officer, he is in a deplorable condition indeed. He has relied on the reports of the Secretary of the Interior, as have the people generally outside the States to which his accusations apply. The President and all others misled by the crusade of misrepresentation are clearly free from responsibility, except to hear the truth as told by the Government records, and then to do even-handed justice to an outraged people.

In the name of justice, in behalf of more than 300,000 entrymen on the public domain; in the name of the families dependent upon them, and of their discredited neighbors, who may be witnesses in their behalf, aggregating substantially 2,000,000 people accused and injured, I ask for a hearing from the Senate, the President, and the country on the cold and silent facts as disclosed by the Government records.

Let us begin with the homestead settlers, specially referred to in my resolution. To the twenty-odd thousand entries under other than the homestead laws, and cases contested or protested, I will advert later.

On the 30th of June, 1906, the original and final homestead entries of record in the General Land Office aggregated 285,049, and the number remains substantially unchanged. On the conservative assumption that the family of the homestead settler will average five persons, it follows that 1,425,245 deserving people, young and old, are directly concerned.

The 285,049 homestead entries referred to stand unchallenged and entitled to full faith and credit on the public records. The men, women, and children residing on the homesteads, aggregating in round numbers one and a half million souls, are the home builders of the nation, battling with hard conditions on the firing line of civilization.

They are the same class of people who felled the trees, grubbed the stumps, and prepared the fertile fields of Ohio; they are the same class of people who turned the sod of Indiana and Illinois; they are the same class of people who gave to the country men of the Lincoln stamp; they are the same class who brought the rolling prairies of Iowa from a state of nature to a state of superb fertility; they are the same people who reduced Kansas and Nebraska and conquered every arable acre under cultivation between the Alleghenies and the Pacific Ocean. For this class of people this hearing is sought. They are as honest to-day as when they felled the trees and grubbed the stumps in Ohio; they are as honest to-day as when they cheerfully gave their best manhood in defense of the flag of this Republic. They are entitled to the consideration of a fair hearing, and to a just, honest, and fair-minded administration of the laws of this land.

Heretofore, Mr. President, this worthy class of people has been honored by the country and encouraged by the Government. The order I have quoted at once reverses the policy of the Government established in the days of Abraham Lincoln and continued in unbroken line down to the present administration of the Interior Department. The order strikes a deadly blow at the material interests of these people and proclaims them all, without exception, a band of thieves, unworthy of belief under oath as to any transaction with the Government of the United States. Yes, it goes further still, for it discredits the two witnesses required to corroborate the final proof of each entryman, thus announcing the conviction of the Hon. Ethan Allen Hitch-

cock; Secretary of the Interior, that there are now more than three-quarters of a million citizens of the public-land States living on homesteads and attempting to develop the country in the West who are not worthy of belief under oath; and it is practically asserted by the order that this vast body of men are engaged in a conspiracy involving fraud, perjury, and theft. No exception is made. None are worthy of belief, according to the honorable Secretary's most extraordinary order, for no land patent will be issued on the final proof submitted by any of them until a special agent of the Land Office or an officer or agent designated by the Secretary of the Interior makes an examination on the ground to see whether or not they have told the truth about matters of fact so palpable that he who runs may see.

To those familiar with our land laws and conversant with the trials, tribulations, and experiences of the homestead settler, this order is the very refinement of cruelty and oppression. In this conclusion I think all patriotic men will agree with me when they have become advised of the truth, and those who have heretofore supported this policy of aggression against the settlers will, with the ordinary American sentiment in favor of fair play, speedily and with zeal undertake to right the wrong done these people.

What is the homestead law? What is the procedure under it to acquire title to public land, and what do the Land Office records disclose as to fraudulent entries and practices under this law? Sections 2289, 2290, and 2291 of the Revised Statutes of the United States contain all there is of the homestead law except the portion relating to fees.

I will ask the Secretary to read these three sections, or, what might be better still, I will include them in my remarks, to the end that anyone desiring to know what the homestead law is may have the text of the statute in connection with the remarks I submit.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly; I am glad to yield.

Mr. KNOX. I suggest that the sections referred to by the Senator be read at the desk. I think it would be interesting and informing.

Mr. CARTER. Very well.

The VICE-PRESIDENT. The Secretary will read, at the request of the Senator from Pennsylvania, the sections referred to.

The Secretary read as follows:

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section or a less quantity of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than 160 acres of land in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to this land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over 21 years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself or herself, and upon filing such affidavit with the register or receiver on payment of \$5, when the entry is of not more than 80 acres, and on payment of \$10 when the entry is for more than 80 acres he or she shall thereupon be permitted to enter the amount of land specified.

SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee; in case of her death, proven by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then, in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

Mr. CARTER. The concluding phrases, "as in other cases provided by law," relates merely to departmental procedure,

which is set forth under the heading "Land Patents," on page 85 of the General Land Office circular issued in 1904.

The sections quoted are, with slight amendments, as they appeared in the law when signed by President Lincoln in 1862, and experience has shown that they constitute the wisest and most beneficent body of public-land law ever devised by the genius of man.

The homestead law has been one of the chief inspirations of home life, domestic virtue, State pride, and national patriotism in the West for nearly half a century. Homes, States, counties, cities, yes, and a typical sterling manhood and womanhood are its imperishable monuments.

The procedure in the Land Office is simple, but effectively arranged to call forth ample if not unerring evidence of compliance with the law. After filing, the claimant must reside upon the land continuously for five years. As the public domain is constantly diminishing and nearly all the very desirable claims are taken up, it follows that absence or neglect on the part of a claimant will be quickly taken advantage of by some watchful home seeker. The Government encourages contests against delinquent or dishonest entrymen by giving to any successful contestant who is qualified the preference right to file on the land for thirty days after cancellation of the entry successfully contested. This preference right given the contestant makes of every home seeker a vigilant inspector of all the homestead entries in his section of the country. Thus from the very day he files on the land the settler is subject to the keen scrutiny of interested persons anxious to contest his claim if cause be given. Then after the five years' residence and the substantial improvement of his land the claimant is required to prove up. This means that he must publish notice of his intention to make final proof for thirty days in the newspaper of general circulation published nearest the land designated by the register of the land office.

At the time and place named in the notice and before the designated official the entryman must appear, accompanied by two of the witnesses named in his notice. The testimony of the claimant and the witnesses is then and there reduced to writing in a public office. They must respond to searching interrogatories prepared by the General Land Office, for the purpose of bringing forth the facts with reference to settlement, improvement, and continuous residence upon the land. Having this purpose in view, fourteen distinct interrogatories must be specifically answered by the claimant himself, and each of the witnesses must separately answer twelve distinct and searching interrogatories, and the answers to each and every one of these must show full and complete compliance with the law by the homestead entryman. The testimony of the witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking the testimony are admonished to make no mistake in dates, description of land, or otherwise. Finally the claimant and witnesses may be cross-examined at the pleasure of the Department, its officers, or agents.

In order to bring forth all the essential facts with reference to residence, cultivation, qualification, the General Land Office has prepared fourteen distinct interrogatories upon blanks furnished the land officers. These interrogatories must be specifically, clearly, and unequivocally answered by the claimant. There are twelve searching interrogatories directed to each of his witnesses, and, finally, the land officers or any special agent of the Land Office or the Interior Department may then and there cross-examine the applicant or either of his witnesses. The answers of course must be full, complete, and adequate in order to show the man's right to the certificate or the patent named in the last section read from the desk.

On the blanks furnished by the Land Office for these final proofs is printed section 5392 of the Revised Statutes of the United States, which reads as follows:

TITLE LXX—CRIMES—CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor for not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

The homestead final proof is made after more lengthy notice and with as much publicity and regularity of procedure as obtains in the probate of a will disposing of millions in real and personal property under the laws of the several States or the District of Columbia. The unchallenged witnesses to a will

are not discredited by our courts, but it is different in the Interior Department, for the honorable Secretary, by the order of December 18, impeaches all men who appear as claimants or witnesses in land cases. These settlers on the public domain are met, after these solemn proceedings, with a command from the Department of the Interior to repair to their homes and there wait until a special agent comes around to ascertain whether they have lied or not. It seems that the order is framed upon the theory that truth and veracity are below par, even under the solemnity of an oath, when you pass west of the Mississippi River. The Secretary by this order impeaches every claimant who appears at one of these proceedings to prove up. He impeaches every witness who appears. He denounces each and all as unworthy of belief.

The notice required must be shown by affidavit of the publisher to have been published for thirty days, and it must appear clearly that the proof is ample and sufficient before the register and receiver are authorized to pass favorably upon the entry. When the proof is thus favorably passed upon, the case is fully made up under the law, rules, and regulations. The claimant has stood the scrutiny of all his neighbors and of interested and anxious home seekers for five years. He has filed his own sworn statement and the sworn statements of two competent and disinterested witnesses, made in public after thirty days' notice, all showing full and satisfactory compliance with the law. All acts and proceedings have been in the open. Having thus finally and fully complied with the law and produced evidence of such compliance, in accordance with the law and the departmental requirements, the entryman, in the language of the statute, "shall be entitled to a patent."

Where the final proof has been regularly made, and approved by the Land Office officials, the legal right of the claimant to a patent on the submission of such proofs, in the absence of fraud or mistake charged in the specific case, has been always heretofore recognized by the Interior Department. That right has been affirmed over and over again by the Supreme Court of the United States, and the Department of Justice is on record, through one of its ablest Attorneys-General, in affirmance of the right.

It was held by the honorable Secretary of the Interior in the case of the Kern Oil Company *v.* Clarke (30 L. D., 556) that—

In the disposition of the public lands of the United States under the laws relating thereto, it is settled law: First, that when a party has complied with all the terms and conditions necessary to the securing of title to a particular tract of land, he acquires vested interest therein, is regarded as equitable owner thereof, and thereafter the Government holds the legal title in trust for him; second, that the right to a patent once vested is, for most purposes, equivalent to a patent issued, and when, in fact, issued patent relates back to the time when the right to it became fixed.

This holding of the Interior Department is sound law, except that in absence of any charge of fraud or mistake the words in the opinion "for most purposes" should be stricken out and the phrase "for all purposes" inserted in lieu thereof. With this amendment, certainly pertinent as far as homestead cases are concerned, the Department but recognizes the law as repeatedly announced by the Supreme Court of the United States.

Mr. FULTON. Would it interfere with the course of the Senator's argument if I were to ask a question?

Mr. CARTER. Not at all.

Mr. FULTON. There is one phase of this matter which the Senator from Montana has not discussed and concerning which I have not been able to ascertain the facts, and that is this: It is proposed to appoint these inspectors or special agents to go out and investigate a man's homestead, ascertain whether or not he has complied with the law, after he has made his final proof. Now, to whom do the agents make report, and does the entryman have any opportunity to meet the report if an adverse one? I have not been able to learn that he is given any such opportunity.

I will say in connection with that, as evidencing how very unjust this order is in its operation, that I have received many letters lately—indeed I have been receiving them all the winter, and for something like a year past perhaps, because practically this system has been in operation in the State of Oregon for the last year or two; all final proof has been suspended—in many cases I get letters from entrymen saying that they have made their proof; that the inspector or agent has been on the land and examined it, and yet they do not know what the report was. They hear nothing from it, and they can get no word whether the entry is approved or not.

The very gross injustice of this proceeding can be understood when it is taken into consideration that these men get no opportunity to cross-examine the agent. He goes out there as the representative of the Department, and really imbued with the idea that it is his duty to find fraud. He makes a report, and

that overcomes the testimony of the homesteader and his witnesses. They have no opportunity to meet him or to see his report or to cross-examine him, although they have been subjected and submitted to cross-examination.

Mr. CARTER. I will endeavor to reach that phase of the matter a little later. The special agency service is in the nature of star-chamber proceedings.

At the present time I should like permission of the Senate to fix the question of the legal right, upon the submission of proof, to the patent, as prescribed by law. Passing from the holding of the Interior Department, I call the attention of the Senate to the views of the Supreme Court of the United States.

In the case of *Witherspoon v. Duncan* (4 Wallace, 210), the court considered a case wherein it appeared that a portion of the public domain within the limits of the Territory of Arkansas was ceded by treaty to the Cherokee Indians west of the Mississippi, and provision was made by the treaty for the removal of settlers from the lands ceded to the Indians. As indemnity for the loss of improvements, trouble, and expense of removing, each settler was granted the right to take other public land situated in Arkansas in lieu of the land surrendered. A claim based on one of these lieu-land rights was presented to the land office at Little Rock, Ark., with appropriate proofs, and thereupon a certificate of entry was issued for the lieu land in May, 1830. The patent for this land did not issue until 1846. In 1842 the land was listed for taxation under the State laws, and thereafter sold for nonpayment of taxes. The question before the court was the validity of the tax levy and sale. If the lands in question were public lands of the United States, they were not taxable. If regarded as private lands, they were subject to taxation. In disposing of the case the court said:

In no just sense can lands be said to be public lands after they have been entered at the land office and a certificate of entry obtained. If public lands before entry, after it they are private property. * * * But it is insisted that there is a difference between a cash and a donation entry; that the one may be complete when the money is paid, but the other is not perfected until it is confirmed by the General Land Office and the patent issued. * * * If the law on the subject is complied with and the entry conforms to it, it is difficult to see why the right to tax does not attach as well to the donation as to the cash entry. In either case, when the entry is made and certificate given, the particular land is segregated from the mass of public land and becomes private property. In the one case the entry is complete when the money is paid; in the other when the required proofs are furnished. In neither can the patent be withheld if the original entry was lawful.

Again, the Supreme Court in the case of *Van Brocklin v. State of Tennessee* (117 U. S., 169) said:

And the reason why, after lands have been duly entered at the land office and everything has been done to entitle the party to a patent, they have by long usage confirmed by the decisions of this court been considered, before the patent is actually taken out, as subject to State taxation, in that the lands are in truth no longer public property, but have become private property.

The Supreme Court, in *Cornelius v. Kassel* (128 U. S., 460-461), said:

When the tract which was subject to entry was purchased and paid for it ceased to be subject to the disposal of the United States. It was not in fact their property. (*Carroll v. Safford*, 3 Howard, 440-460; *Witherspoon v. Duncan*, 4 Wallace, 210-218.) The legal title, it is true, was retained by them, but they held it as trustee for the benefit of the purchaser, and they were bound, upon proper application, to issue him patent therefor. If from inadvertence or mistake as to their rights or other cause they afterwards conveyed that title to another, the grantor, with notice, took it subject to the equitable claim of the first purchaser, who could compel its transfer to him. In all cases a court of equity would convert the second purchaser into a trustee of the true owner and compel him to convey the legal title.

From the opinions quoted the law seems to be settled by the decisions of the Supreme Court in harmony with the contention of the pending resolution. This conclusion seems, as previously stated, to have been recognized by the Department of the Interior, and has also been recognized as the settled law by the Department of Justice, for in 1881 the question was submitted by the War Department to Hon. Wayne MacVeagh, Attorney-General, as to the right of the Government to take for military purposes lands covered by an unperfected homestead entry.

In the opinion, which was approved by Acting Secretary Bell, of the Interior Department, the Attorney-General said:

The claim of the settler is initiated by an entry of the land. This is effected by making application at the proper land office, filing the affidavit, and paying the amount required by section 2290, Revised Statutes, and also paying the commissions as required by section 2288, Revised Statutes. It is true a certificate of entry is not then given, the certificate being under section 2291, Revised Statutes, withheld until the expiration of five years from the date of such entry, at the end of which period, upon proof of settlement and cultivation during that period and payment of the commissions remaining to be paid, it is issued; but upon the entry a right in favor of the settler would seem to attach to the land which is liable to be defeated only by failure on his part to comply with the requirements of the homestead law in regard to settlement and cultivation. This right amounts to an equitable interest in the land subject to the future performance by the settler of certain conditions (in the event of which he becomes vested with full and complete

ownership), and until forfeited by failure to perform the conditions it must, I think, prevail, not only against individuals, but against the Government.

In actual practice the register and receiver of the local land office delivers to the claimant a final receipt on submission of the required proof and the payment of the statutory fees. The land thereupon becomes subject to taxation, and the receipt is held by the State courts sufficient evidence of legal title to sustain an action of ejectment. The final receipt, held by the courts and always regarded heretofore as the equivalent of the patent soon to follow from Washington, is accepted joyously by the man, through whose patience, industry, and self-sacrifice it has been won. The family is now secure in its well-earned home, and the future looks brighter and better. The credit formerly withheld will now be extended to enable the struggling toiler to buy a few cattle or other needed stock, to make the farm more profitable and the labor less exacting. The good wife and children may now hope to enjoy a few of the long-deferred comforts of life, so much needed in and about their humble home.

The accumulated capital of five years' patient endeavor is made available to meet many pressing needs of long standing. The sod roof on the log cabin will soon give way to shingles, and the oldest boy or girl may go away to school. This is as it used to be. But now, under the order of the honorable Secretary of the Interior, all is changed. The claimant and his two witnesses are now a trio suspected of perjury, and under that suspicion they must rest until some special agent finds time to relieve them at the expense of the Federal Government. When the relief may come no one can tell. That it will be tardy experience demonstrates, for the pernicious practice, made universal by the honorable Secretary's order of December 18, has been indulged to a considerable extent for some time. In certain cases, I am informed, the poor settlers have been held in painful suspense for years after final proof, either awaiting arrival of the special agent or waiting to hear from his report. Just picture to yourself the settler and his family on the lonely prairie or in the mountain glen. For five years he has toiled and struggled to maintain himself and those dependent upon him. On the average he has been in debt every day of that time, and his credit being poor the interest rate has been high. The land, fairly earned, is his only capital. In support of his right to a patent he produces proof sufficient to sustain a conviction of murder in the first degree. In the face of all this his right under the law is denied him, and he is sent home from the land office with his witnesses suspected of felony and commanded to await the coming of a special agent or an officer of the Interior Department to clear up the suspicion.

Honor is not confined to Cabinets, nor do special agents appointed at Washington monopolize the sentiment. Waiving denial of the title their toil has fairly won, who can measure the pain these suspected men are doomed to suffer through that "chastity of honor which feels a stain like a wound?" An implied charge of perjury has been affixed where a badge of honor should have been attached. To all this the torture of suspense is added, for the discredited homesteader has a long period of anxious waiting in store for him. He can not stock the farm, because he has no basis of credit. He dare not make additional improvements, because the special agent may report against him or the land be lost on a technicality. He can only wait; and I understand that some have now been waiting for four years or more. The pathetic victims of this iniquitous policy could not appeal in vain for sympathy to the bowels of a brute.

We are tardy in demanding to know what overwhelming public necessity cries out for the immolation of so many thousands of innocent victims on the altar of suspicion. The Congress and the country should know. Congress does not intend that its laws shall be executed in a spirit of cruelty or wrath, and the American people, inherently fair and just, need only be informed in order that the potent force of enlightened public opinion may be extended to stay the hand of injustice and oppression.

Measuring my words with care, I say that the order of the honorable Secretary of December 18 last is both unjust and oppressive; and, further still, I here aver that the records of the Interior Department do not furnish justification for the order; but, on the contrary, those records demonstrate that the order is not only unjustified, but clearly indefensible as to homestead settlers.

To the record, then, let us appeal. During the last eight years Congress has, by appropriations, placed at the disposal of the honorable Secretary \$1,905,161.20, or, in round numbers, \$2,000,000, for the payment of special agents and inspectors to oversee public-land entries. During the same period \$4,727,282 were paid to local land officers. The agencies paid these vast sums have all been under control of the Secretary to detect fraud and evasion of the law. On an average thousands of citizens

have annually contested entries at their own expense for the reward of a preference right to enter the land if successful in the contest. With the munificent fund at the disposal of the Secretary, supplemented by the interested efforts of a large body of citizens and the keen vigilance of thousands of others alert for a chance to contest, it will be conceded that all vulnerable entries have been assailed.

The pending original and final homestead entries have averaged about 300,000, and the protests by special agents and the contests by individuals have approximately averaged less than 12,000 during each of the last five years.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. CARTER. Certainly.

Mr. NEWLANDS. I will ask the Senator from Montana whether this order applies only to homestead entries?

Mr. CARTER. The order reads: "No patent shall issue under any law."

Mr. NEWLANDS. Will the Senator also state whether or not this order was made under the express direction of the President?

Mr. CARTER. I shall endeavor to reach that part of the discussion. I understand that it was agreeable to the President to have the order issued upon the misrepresentation of the facts by the Secretary of the Interior. I propose to show that the statements of the Secretary to the effect that fraud existed to any appreciable extent were statements made in direct contradiction of the facts as shown by the records of his own office.

Mr. NEWLANDS. I have observed that the Senator is indulging in a very severe criticism regarding the Secretary of the Interior, and it occurred to me that if the Secretary of the Interior acted under the express direction of the President the President himself should not be exempt from criticism.

Mr. CARTER. Mr. President, I accept it as a fact that the President of the United States has relied exclusively for his information upon the representations of his Cabinet officer. I propose to show that those representations were false and that they in no considerable degree justify the order. If I succeed in showing that I think the order will be made to conform to justice and legality.

Mr. WARREN. May I ask the Senator to refer to the figures he gave a moment ago as to the number of patents per year? I have the number 12,000 contested claims, but I have not the larger number given.

Mr. CARTER. I am referring in this to the total number of entries and to the numbers put in jeopardy by special agents' protests.

Mr. WARREN. Yes. May I have the total number of entries, please?

Mr. CARTER. There were pending in the General Land Office July 1, 1906:

Original homestead entries.....	271, 178
Final homestead entries	13, 871
Total.....	285, 049
Entries protested by special agents:	
Original homestead entries	7, 533
Final homestead entries	995
Commuted homestead entries	1, 798
Total.....	10, 326
Homestead entries contested by private individuals.....	1, 668
Total contests and protests.....	11, 994

As the 11,994 entries in controversy are not included in the 285,049, the two totals must be added, as I understand, to accurately show the whole number pending, thus making the aggregate substantially 300,000, as previously stated.

The result is that the combined efforts of a large band of well-paid Government officers and a still larger body of interested individuals discover flaws and delinquencies in approximately 4 per cent, on an average, of all the entries pending under the homestead law at any given date.

Mr. WARREN. Let me ask how many of the 12,000 cases finally failed and patent denied. Some must have been cleared by the examination of the Office.

Mr. CARTER. The Commissioner of the General Land Office reports that 91 per cent of those challenged are passed to patent after full investigation.

Mr. WARREN. That is what I wanted to find out.

Mr. CARTER. I shall reach them. This amounts to about 4 per cent approximately, on an average, of all the entries pending.

This is far below the average defaults of merchants, who

surely do not willfully fail. It is an exceptional record of faithful compliance with the law, when we consider the limited means of this brave-hearted army of honest struggling men. But it is not a surprising record, for are they not moved by high and holy motives? The builder of the home is the builder of an altar. His aims are pure and high. Fraud and falsehood are strangers to his design. But the percentage of the homesteader's delinquencies must be reduced still further by the inexorable logic of the records of the honorable Secretary's office.

On authority of the Commissioner of the General Land Office, I am happy to state that of all the homestead entries suspended on reports of special agents, approximately only 9 per cent are canceled; whereas, after full investigation, 91 per cent are approved for patent. The correct quotient resulting is therefore 9 per cent of 4 per cent of the average of pending homestead entries. This figured out so the primary pupil will understand shows that 4 per cent of 300,000 (the approximate total of average pending homestead entries) equals 12,000 (the number of entries protested and contested by special agents and individuals), and 9 per cent of 12,000 equals 1,080, that being the approximate average of entries canceled. Thus we find about 1 final homestead entry in every 300 is canceled on an agent's protest for failure to strictly comply with the law. The number of original filings canceled because of abandonment, mistake in description, relinquishments, and the like do not belong in the category of fraudulent entries, against which the Secretary's order is directed.

But why pursue the calculation beyond the ridiculous degree to which the figures, given from the Department records, reduce the honorable Secretary. He asks Congress to appropriate an extra \$500,000, to be immediately available, in aid of his insane or malevolent design to discredit and persecute on an average 299,000 homestead settlers, because, forsooth, 1,000 persons offering final proof have been found to fall short of full compliance with all the requirements of the law. This large sum, mark you, is to be in addition to the current appropriation of \$250,000, thereby making \$750,000 to pursue the 1 delinquent out of every 300 final homestead entrymen.

As to the homestead entries, the sweeping order of the Secretary and his demand for 500,000 extra dollars to aid in its execution, discloses such ignorance of the facts and of the records of his own Department as to place the order beneath contempt, and leaves its author subject only to pity. His subordinates undoubtedly know better, but they must ask for the means to comply with his order, which is their law, and in doing so they necessarily expose its absurdity.

In efficiency and fidelity the General Land Office force is not excelled by any body of public servants in the employ of the Government.

Mr. HEYBURN. Will the Senator permit me to ask a question pertinent to that point?

Mr. CARTER. Certainly.

Mr. HEYBURN. Is it not true that a very large per cent of the small per cent of cancellations are for mistakes and not for fraud?

Mr. CARTER. A very large per cent. There may be mistakes in description of township or range, or the wrong subdivision of a section may be given, and therefore the Office can not issue the patent. The entry may be canceled for any one of a number of irregularities and the cancellation does not show or imply fraud except now and then.

Mr. President, I have known of these Land Office employees, the clerks at Washington, for many years, and I warrant now that the illegal disposition of public lands through forest-reserve scrip and other devices, would not have occurred during the last eight years if the Secretary of the Interior had allowed the experienced and capable men and women of the General Land Office to execute the law free from his arbitrary and stupid interferences. We would not have heard of the scandals that have occurred in connection with the lieu-land operations in the forest reserves, for I think it is a fact that the Land Office force was arbitrarily overruled and compelled against their judgment deliberately formed to give away millions of acres of the public land to the railroad corporations under that lieu-land law which was never intended to apply to a railroad land-grant company at all. But that is alien to the present discourse.

What have we reached from a pursuit of the record of homestead entries, followed from the view point of fraud? Let me recapitulate: Out of every 300 entries, on the average one final entry, challenged by a special agent or otherwise, is canceled. During 1904 and 1905 the Land Office tables were elaborated to show the final and commuted homestead entries canceled. That record is so instructive that the Secretary's order must have been issued in ignorance of its story. The average final and

commuted homestead entries in 1904 is shown to be 25,928, and the total cancellations of those classes of entries during that whole year reached the wonderful total of 80. This reaches the bed rock of fractions. Figure for yourself what percentage 80 is of the sum of 25,928, and you will have the fractional per cent, not of fraudulent, but of illegal and defective commuted and final homestead entries for the fiscal year ending June 30, 1904.

In 1905 the commuted and final homestead entries averaged 13,590, and during that year 81 were canceled on agents' protests, charging noncompliance with the law. But the average daily pending cases does not show the total to be taken into account at all.

In 1905 there were 38,802 homestead patents issued, whereas only 81 final entries were found to be defective or fraudulent. What percentage of 38,802 is 81? In other words, there were 38,883 final homestead entries passed to patent in 1905 less only 81, which were found fraudulent or defective. Can anyone conceive effrontery more immeasurable than that, which orders that the 38,802 honest entrymen shall be indefinitely held under odious suspicion, at the sacrifice of vital interests and wounded feelings, while a horde of Government agents make the rounds through weary years, because 81 persons have fallen short of the exacting requirements of an administration of the Interior Department, professionally honest and severely hypercritical? An appeal to reason on such a proposition would be offensive to intelligent men.

On authority of a principle as old as our civilization, it is held to be infinitely better for society that ninety and nine guilty men should go free rather than that one innocent man should be punished. This rule responds to man's innate desire to be just, and it is the outgrowth of his indescribable aversion to the punishment of innocence. Not so with the honorable Secretary of the Interior. With the records of his office showing that for sixteen years past 299 final homestead entrymen have, on the average, proved true and faithful to one delinquent found, the Secretary issues an order casting a most serious imputation upon the 299 honest men, and on the suspicion created by the one delinquent he ordains and directs, by the order issued, that they shall suffer bitter humiliation and indefinite delay pending the arrival at their homes of some special agent, deputized to find fault and predisposed so to do.

I have heard of an agent reporting an entry for cancellation because the house in which the poor settler had sheltered his family for years was not what the agent thought it should be to show good faith. It was all the house the man could afford while striving for a better one. Yet this great Government, through a special agent, proposed to penalize the property of that struggling man. The Secretary now proposes to subject every settler to the jurisdiction of the special agents. An oath, the strongest link among men, loses its sanctity in the eyes of the Secretary when taken by a settler on the public domain or by witnesses appearing in his behalf. Why not dispense with the oath in dealing with settlers if it is only the special agent's report on which reliance is placed? But why question further? As to the final homestead entries the Secretary's order falls to the ground discredited as a gross absurdity by the incontrovertible records of his own Department. The order is not only illegal, but, in point of fact, utterly vicious and indefensible. Fair inspection will demonstrate that the order has no just application to any sort of land entry, save in those rare exceptions wherein fraud is charged or suspected on reasonable grounds. The people themselves will always prove the most faithful guardians of righteousness and fair dealing. Keep the Government agencies open to receive complaints and the people will expose fraud, and then the way of the Government is clear.

The people justly place much reliance on the statements of a member of the President's Cabinet, and therefore naturally desire and confidently expect to find justification for his assigned reason for any questioned official action. Hence it might be assumed that, even conceding the demonstration of his error as to final homestead entries, warrant for his order may be found in abuses disclosed under other land laws. While it is difficult to perceive how irregularities arising in the administration of one law can fairly support obvious injustice to a large class of citizens affected by the execution of another law, we may nevertheless profit by a brief summary of the ascertained facts concerning the operations of all the land laws.

Title to public land may be acquired under the general laws commonly known as the homestead law, the timber and stone act, the desert-land law, the coal-land laws, and the mineral-land laws.

Under all these laws public-land entries appear by filings or applications, which are recorded in the General Land Office. The filings of entrymen who fail to comply with the law are

canceled. The vast majority of defaults and resulting cancellations occur before any attempt is made to prove up and obtain patent. Therefore it must be borne in mind in basing computations upon the figures that the aggregate number of cancellations in any given year only embraces a very small proportion of the final entries against which the Secretary's order of December 18 is directed.

Figure for yourself an average of 320,000 people starting out to comply with all the various laws referred to, and you can readily understand how a considerable number will fail for any one of an almost infinite variety of causes prior to the time final proof must be made under the law. Death, abandonment, change of purpose, mistake in descriptions, etc., result in perhaps 10 per cent of the original entrymen failing to apply for patent. In running the gantlet for five years it is rather singular that a greater per cent of the homestead settlers do not surrender in the presence of the obstacles that confront them from the very beginning. In the vast majority of cases such failures are brought to the attention of the Department by a letter or suggestion from some one living in the vicinity of the abandoned land.

Upon the receipt of such a communication the General Land Office directs a letter to the entryman at his last known address, citing him to show cause before the register and receiver of the local land office at a given date why his filing should not be canceled. If he fails to appear and show cause at the time and place designated, the land office proceeds without further ceremony to cancel his entry. In this way probably 90 per cent of the aggregate cancellations of original filings are made. The original filings or entries protested by the special agents of the Land Office are usually found in timber regions, where the agent is advised that the entryman may have made the filing for the purpose of cutting the timber. The entryman in such a case is liable to the Government for damages for the timber cut and liable to criminal prosecution as well, his mere original filing being no justification for timber trespass.

Under the various general laws original and final entries were pending in the General Land Office on July 1, 1906, as follows:

Original homestead entries	271,178	
Final homestead entries	13,871	285,049
Original desert-land entries	20,668	
Final desert-land entries	3,006	23,674
Timber and stone entries	2,189	
Coal-land entries	2,346	
Mineral entries	1,367	
Total	312,625	

At the same time there were pending and protested by special agents of the Government entries as follows:

Original homestead entries	7,533	
Final homestead entries	995	
Commuted homestead entries	1,798	10,326
Original desert-land entries	955	
Final desert-land entries	342	1,297
Timber and stone entries	2,189	
Coal entries	222	
Total	14,034	

On the same date entries pending, subject to contest by individuals, appear to be:

Homestead entries	1,668
Desert-land entries	185
Timber and stone land entries	72
Mineral-land entries	119
Coal-land entries	16
Total	2,060

This seems, at first sight, quite a formidable array, making an aggregate of 14,034 entries of all kinds calling for investigation on protests filed by special agents and pending at the beginning of the current fiscal year.

Let us analyze the figures. With the 2,060 entries contested by individuals the Government is chiefly concerned only as it is under obligation to do justice between individuals contesting for title or right of possession.

The 14,034 cases protested by the Government agents embrace the fraud charges requiring full investigation. At the very outset we may inquire how truly alarming are the conditions of a service exhibiting 14,034 cases involving alleged fraud, default, or irregularity in a total aggregate of 328,620 land entries. Calculation shows that this number is only a shade over 4 per cent, but the real test is not presented by the number of entries protested, but by the number actually canceled after protest and full investigation.

It will be found on close inspection and accurate analysis that less than 1 per cent of the final entries under any of the laws

turn out to be fraudulent. As to the homestead law we have seen that about one-third of 1 per cent are canceled.

We have all heard much of the great frauds being perpetrated under a cloak of the timber and stone law. To this law particular attention has been called by the Interior Department since 1901, and I submit in all candor that anyone who has read the various sensational statements made, involving charges of fraud under this law, would be led to believe that scarcely any of the timber and stone entries are made in good faith or are entitled to consideration. I have never regarded the law as making wise provision for the disposition of timbered land, and I think it should be repealed, for the reason that it does not yield the Government an adequate return, nor does it permit of reasonable provision for the protection of the forests. Entertaining these views, I confess that I believed there was some substantial basis of fact behind the reports of frauds practiced under this law. If any credence at all is to be given to the reports of the honorable Secretary, his special attention has been directed to this class of entries for many years. As I have stated, he has had at his disposal since 1900 substantially \$2,000,000 available for the investigation of fraudulent practices under all the land laws, and it is not unreasonable to suppose that he made special efforts to bring to book those seeking to defraud the Government under the timber and stone law.

I made an examination of the records with a view to ascertaining the number of timber and stone entries protested and canceled from 1890 to the close of the fiscal year 1905, and found that from 1890 to 1905, inclusive, over 30,000 timber and stone entries had been protested by special agents of the Government, and of these, after full investigation and hearing, only 498 were canceled. The cancellations prior to 1899, when the present Secretary took charge, were much greater than since his administration began; for instance, since 1899 about 17,542 timber and stone entries have been protested and but a fraction of 1 per cent were canceled. True, about 4,000 are still pending, but on the ratio established it is evident they are merely being held in limbo in the absence of facts sufficient to warrant their cancellation.

It seemed to me, in the light of all that had been said, there must be some mistake in my calculations, and under these circumstances I was as thoroughly surprised as the Senate and the country will be surprised to receive, in response to an inquiry, a letter and a tabulated statement from the General Land Office, reading as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1907.

Hon. THOMAS H. CARTER,
United States Senate.

MY DEAR SENATOR: In compliance with your request of the 9th instant, I transmit herewith statement showing the number of timber and stone land entries made during the fiscal years ended June 30, 1900, 1901, 1902, 1903, 1904, 1905, and 1906, inclusive, the number canceled during each fiscal year, and the approximate number pending in this Office on July 1, 1906.

Very respectfully, (Signed) W. A. RICHARDS,
Commissioner.

Statement of the number of timber and stone land entries made from July 1, 1899, to June 30, 1906, together with number of such entries canceled during said period and the number pending on July 1, 1906.

Fiscal year—	Entries.	Canceled.
1900	2,385	1
1901	3,031	7
1902	4,022	6
1903	12,249	25
1904	9,435	6
1905	5,188	13
1906	5,037	14

Timber and stone entries pending in the General Land Office on July 1, 1906, 4,000, approximately.

From this table we perceive that since July 1, 1899, 41,347 entries have been made under the timber and stone law, and of these only 72 entries have been canceled. In the year 1900 2,385 entries were made and only 1 entry canceled; in 1901 3,031 entries were made and only 7 entries canceled; in 1902 4,022 entries were made and only 6 were canceled; in 1903 12,249 entries were made and only 25 were canceled; in 1904 9,435 entries were made and only 6 were canceled; in 1905 5,188 entries were made and only 13 entries were canceled; in 1906 5,037 entries were made and of these only 14 were canceled.

During the last fiscal year the Secretary had at his disposal between \$250,000 and \$300,000 with which to employ special agents to probe this alleged seat of festering fraud and corruption, and yet during that year only 14 of the entries were found fraudulent or irregular.

During each of the preceding years, back to July 1, 1899, the

Secretary has been supplied with ample funds to investigate and expose fraudulent timber and stone entries, and under the circumstances we well ask why in all that period only 72 of this class of entries were canceled on the books of the Land Office out of a total of 41,347 entries made.

These figures and facts, from the records of the Interior Department, relating to the operations of the timber and stone law, taken in connection with the vociferous charges of fraud sent forth from the Interior Department in and out of season for years, justifies us in citing the honorable Secretary to show cause why he should not be held guilty, either of wilful and deliberate misrepresentation of his own records to the public, or else guilty of utter inefficiency in the administration of the law. He can not escape both charges. His Department has either with his connivance or by his direct utterances misrepresented the facts with reference to the existence of fraud, or he is convicted by the record of delinquency amounting to criminal culpability. If his representations when made were true, why did he not bring the guilty parties forward, cancel their entries, and insist upon their punishment? If he has administered his office honestly and with reasonable intelligence, then it follows that the 72 entries canceled out of over 41,000 entries presented convicts him of having deceived the public.

Much has been said about fraud in connection with coal-land entries. So much has been said, indeed, that I figure that the readers of our current literature are warranted in the belief that there has been a mighty rush by citizens all over the public-land States to acquire title to coal lands. You would believe that unless the strong arm of the Government is interposed the millions upon millions of acres of coal lands will be taken up before breakfast to-morrow. Finding so many infirmities in reports made in other directions, I have looked up somewhat the coal-land question. I expect to give some attention to this matter a little later, but for the present I desire to incorporate a statement taken from the records of the General Land Office, which shows that since the passage of the law of 1873 only 2,878 coal entries have been made in all the vast region from the Mississippi River to the Pacific Ocean, and from the Canadian line to the Mexican border. In thirty-three years only 2,878 entries have been made. These entries embraced only 406,370.18 acres. The Government has received for less than half a million acres of land \$6,169,854.55. This statement shows that during a period extending over thirty-three years there has been upon an average one coal entry every four days in all the vast region to which I have referred. Of all these coal entries, few have been found fraudulent. Less than one-half of 1 per cent will cover the total number. Of those challenged by the Interior Department, the Commissioner advises me that only 3 per cent are found defective, and that 97 per cent of those challenged are, after full investigation, passed to patent.

The statement to which I refer is as follows:

Statement, by fiscal years, of the disposal of coal lands from July 1, 1873, to September 30, 1906, under the act of March 3, 1873 (17 Stat., 607).

Fiscal year.	Entries.	Acres.	Receipts.
1874.....	8	1,181.59	\$14,783.50
1875.....	14	1,904.95	22,249.50
1876.....	12	2,202.40	32,024.00
1877.....	9	1,115.00	13,500.00
1878.....	2	200.00	4,000.00
1879.....	2	200.80	2,416.00
1880.....	19	2,947.13	37,408.60
1881.....	49	5,615.58	70,404.50
1882.....	56	8,705.56	124,641.20
1883.....	119	19,361.04	356,941.40
1884.....	69	8,118.73	129,628.60
1885.....	44	5,955.13	94,282.80
1886.....	77	10,146.73	136,260.60
1887.....	106	15,741.30	210,513.50
1888.....	198	30,226.75	484,843.10
1889.....	211	31,829.00	554,549.70
1890.....	160	22,259.37	353,659.50
1891.....	73	9,625.83	164,940.35
1892.....	50	6,326.66	122,533.20
1893.....	86	12,288.84	207,938.50
1894.....	20	2,705.42	40,943.30
1895.....	34	3,650.10	71,402.00
1896.....	39	4,049.10	73,782.00
1897.....	40	4,209.85	56,895.90
1898.....	37	4,758.63	88,011.60
1899.....	55	5,591.93	102,905.60
1900.....	96	12,192.67	225,353.90
1901.....	119	14,855.91	270,733.00
1902.....	132	18,236.90	332,897.70
1903.....	282	42,168.72	549,075.80
1904.....	197	29,107.42	400,409.90
1905.....	171	21,336.35	289,802.40
1906.....	261	44,264.75	565,902.90
July 1, 1906, to September 30, 1906.....	31	3,789.64	64,780.00
Total.....	2,878	406,370.18	6,169,854.55

In recent years the coal and mineral entries have been combined in the records of the General Land Office, and it is difficult to get exact figures with reference to coal entries. An Executive order was recently issued withdrawing in Wyoming, Montana, Colorado, New Mexico, Utah, Washington, North and South Dakota, and Oregon 64,193,360 acres supposed to contain coal. This order was made because of the apprehension that the people residing out there will, unless something is done about it, take all of the coal out of the land, burn it up, and charge the settlers too much or monopolize a commodity so easily accessible and so widely diffused! I do not wish at this time to go over the question, but I think the proposition appears somewhat grotesque in the light of the fact that in over thirty-three years less than 407,000 acres have been taken up under the coal-land laws in all the vast region embraced in the public-land States. For the lands thus taken the Government has received the highest price ever charged by any government for coal lands bearing coal of an inferior quality. The land has been sold at from \$10 to \$20 an acre, and the Government has received, as I have suggested, for the land sold over \$6,000,000. If coal lands are entered in the future as they have been in the past in the States I have named, the lands withdrawn will all be entered in from five to six thousand years from now. That is double the time since the Christian era began and then one-half the time added beyond that.

Mr. WARREN. Mr. President, in amplification of what the Senator from Montana says, in the case of Wyoming, which seems to have been considerably in the limelight of late as to coal matters, taking the last eight years for example, we have had less than 20,000—in fact, about 19,600—acres of coal land taken, and the Government right now has over 16,000,000 acres of reserved alleged coal land. The engineers of the State have reported that there are still more coal lands not yet reserved, and at that ratio it will take something over eight thousand years to exhaust what is now reserved by the Government, or a matter of perhaps ten thousand years to exhaust so much as the Wyoming State engineers believe to be underlaid with coal of the public lands of Wyoming.

Mr. CARTER. To that we shall give due attention when the question is brought forward; and the discussion will prove very interesting from a statistical and from an economic point of view.

I will state here and now the firm conviction in my mind that it is the inherent right of the people living in a State to own the soil of the State, and that they should be permitted to acquire it. It is my belief that it will enervate this country to make it a land of landlords and tenants, however beneficent the landlord may be, or however big and strong. I believe in protecting for the American people that personal initiative which has been at the basis of our majestic progress from the beginning. In this country, by leaving the individual to pursue his way according to his best ability and genius, we have witnessed more progress than the world has ever made in a like space of time or over a like portion of the earth's surface. It is this unhampered individual initiative that has brought forth labor-saving machinery, projected and built railroads across the continent, and that has made this country what it is. I do not wish this initiative made subject to a bureaucratic government. The people can think better for themselves than the officers of any bureau with which I have ever become familiar. But that is a digression.

Now, Mr. President, passing from the coal-land laws, I call attention to the desert-land law briefly. This is the most difficult law of all to comply with, for when a man makes an entry of 320 acres at the land office he has to pay 25 cents an acre in advance to the Government, besides the customary land-office fees. He must then furnish proof of the expenditure of at least \$1 an acre each year in the reclamation of the land. Finally, after the lapse of three years, he must prove that he has fully complied with the law, and, besides, pay an additional dollar per acre, thus paying the Government \$1.25 per acre and expending at least \$3 per acre in the reclamation of the land.

Because of defective titles and litigation in relation to them, because of inability to get the money to carry on the operation of reclaiming the land, it frequently happens that men fail in connection with this kind of a contract with the Government. But notwithstanding, Mr. President, the law has been a beneficent law, and the failures under it to make good on final proof amount to less than 1 per cent of the final entries presented. Of the original entries a large proportion, of course, are canceled because of the failure of the parties to meet all the conditions. They surrender and thereby forfeit the 25 cents per acre they have paid, because of inability to pay the balance or to furnish the money necessary to improve the land.

Mr. WARREN. But that carries no fraudulent intent.

Mr. CARTER. That carries no fraudulent intent any more than in the case of a man in the city of Washington who buys a lot and makes an advance payment on the lot, and failing to make the other payments, forfeits his lot and the money he has paid. There is no fraud about it, there is no intent to deceive, and no one is injured except the entryman. The man has simply failed to carry out the contract through inability so to do.

Mr. WARREN. He thereby has lost his right, but the Government has received this 25 cents in money and retains the land.

Mr. CARTER. Of course. There is a good deal of that. I remember in the Western States some years ago, when hard conditions were encountered in one section, it was a standing joke that the Government of the United States was engaged in a gambling business, that it bet the homesteader 160 acres of land against \$18 that he could not live in the country five years, and it was said that the Government generally won. [Laughter.]

As to mineral entries, it is needless to speak at any length. In the first place, a mining claim can only embrace 20 acres. When a patent is sought on a placer claim a discovery of gold in such quantities as to justify a reasonable person in prosecuting development must be shown and the claimant is required to expend at least \$500 in improvements and must pay \$2.50 per acre for the ground.

In the case of a lode claim the applicant must show a discovery of a lead or lode of quartz or other rock in place, with at least one well-defined vein, and the vein matter must disclose the presence of gold, silver, cinnabar, or other valuable metal. At least \$500 worth of work must be done before patent can be obtained, and the character of the improvements must be certified to by a deputy mineral surveyor appointed under authority of the United States to survey the claim. The claimant must likewise pay the Government \$5 per acre for the land when his application for patent is presented. The utmost care is taken with reference to advertising applications for patent by publishing notice in a newspaper published nearest the land and also by posting notice and plat on the claim. Where an issue arises between two claimants, adverse is filed in the land office, and thereafter suit must be commenced in a court of competent jurisdiction to settle the question of title, the judgment of the court being binding upon the Government as to the rights of the contesting parties.

In a statement of protests by Government agents furnished me by the Land Office, covering the years from 1890 to 1905, inclusive, I find that but 631 protests have been filed and that but a very trifling fraction of the total of all applications were canceled.

The wisdom of our mineral-land laws may be judged by the enormous addition to the nation's wealth contributed by the miners who have explored, located, and developed mines under the laws and the local rules and regulations since 1848. Under the laws, rules, and regulations we see standing to the credit of the prospectors and the miners a superb total of *seven billion dollars* extorted from the earth and added to the nation's wealth in gold, silver, copper, and lead within nine and forty years.

To those who favor leasing and thus destroying the incentive to individual initiative these figures may well be cited for comparison with results attained under any system of governmental supervision and royalty since the world began.

The Secretary of the Interior proposes to send a special agent of the Land Office or of his Department forth to ascertain before patent issues whether a given mining claim sought to be patented is sufficiently promising to warrant the holding thereof as a mineral claim. He can not have in mind the mere ascertainment of the fact of the expenditure of the required \$500 previous to patent, because an officer of the United States Government—a deputy mineral surveyor—must have certified to such expenditure before the application is presented to the Secretary. The special agent of the Land Office or of the Secretary's office is to determine the value of a mine—is to decide questions upon which learned experts disagree. To decide a question which can only be decided by an infinite amount of human toil, supplemented by the application of scientific principles in the treatment of ores and the extraction thereof from the ground.

Think of Billy Botts, special agent of the Interior Department, passing judgment upon the value of a mine, or the soundness of a man's judgment who has given the highest possible evidence of good faith by the investment of his toil and his means in the development work. It is exasperating to be called upon to argue such an absurd proposition.

In the case of my colleague [Mr. CLARK] I believe a number of the most learned experts in the United States pronounced a

certain mining property in Arizona not worth the cost of development. My colleague's judgment was to the contrary, and, pursuing his own judgment, he prosecuted development there to the extent of a moderate fortune and brought forth one of the greatest copper mines on the face of this earth. Now, before you issue a patent will you send down an agent of the Land Office to that Arizona country to look over mines about which men who are well informed disagree so radically? I hope that there is no intention of that kind, and I understand that a modification of this order has been made to avoid that ridiculous conclusion.

Mr. President, to sum the whole matter up finally, it will appear from a critical analysis of the figures and the facts, that not to exceed one-half of 1 per cent of the final homestead entries, less than 1 per cent of the final desert-land entries, less than one-half of 1 per cent of the final timber and stone entries, and less than 1 per cent of the final coal entries are found to be fraudulent, and the percentage of mineral entries tainted with fraud is small indeed. Taking the whole aggregate of percentage together and figuring out from these percentages the average we will find that less than one final entry of public land out of every hundred has been found in all the years to be subject to cancellation on account of fraud, default, or delinquency of any kind. As to the homestead settlers, there is but 1 delinquent substantially in every 300 final entrymen.

In the face of this showing from the records of the Interior Department an order is issued denying to all final entrymen a right which the Supreme Court of the United States has repeatedly recognized and which the Department itself has not heretofore gainsaid. From the day the final entry is made the right of local taxation attaches to the land under the decisions of the Supreme Court; and yet, sir, while bearing the burden of taxation, the 99 blameless men out of 100 in most cases and the 299 men out of 300 in the homestead cases must be denied complete evidence of legal title to their land until some agent of the Land Office or agent of the Interior Department can personally inspect the premises in the many, many thousands of cases.

Before the issuance of this order of December 18 conditions were hard enough, particularly for the homestead settlers. Suspected at every turn in the road of evil design, harassed by special agents and exasperating requirements of the Interior Department, it is not surprising that two honest home seekers left the United States to locate in Canada during the year 1906 to one that filed a homestead entry on the public domain of the United States.

I should like to be possessed of time to go over this strange story of the driving of our own people out of our own country and into the far North, to face a more inclement climate, because of the harsh rules of our own Government in enforcing laws as they never were enforced or sought to be enforced before.

I have here a pamphlet issued by the direction of the minister of the interior at Ottawa, Canada, which proceeds to set forth the happy conditions under which Americans may proceed to the Dominion and there acquire homestead rights and privileges under far better conditions than obtain in the United States. With the permission of the Senate, I will ask to insert at the conclusion of my remarks the homestead rules and regulations of the Canadian government, but in passing will merely say that I am informed that 59,000 Americans filed claims to land in Canada last year in the northwest country, whereas in all our own broad domain only about 25,000 homestead claims were filed. In other words, we are driving the finished product of our citizenship out over the northern border, while we are encouraging the raw material to come through the gates of Castle Garden.

Mr. President, in 1896 only forty-nine Americans—mark the number—forty-nine Americans crossed the Canadian line to settle on public lands.

Mr. CLARK of Wyoming. When was that?

Mr. CARTER. In 1896. In 1906 over 105,000 of as good people as Iowa, Minnesota, North Dakota, Montana, or any part of our country can produce sadly passed from under the flag of the United States and went over across the border and cast their lot in the Dominion of Canada.

We have as good a climate; we have as good soil; we think we have a better Government; we have as fair laws, although more exacting, but we have an administration of those laws inspired by suspicion, which makes their execution the cruellest administration of land laws that has been known in this or any other country.

I will not only insert in my remarks, with the permission of the Senate, the Canadian homestead laws and regulations, but I will likewise insert the data furnished me by the Land Office, on request, upon which the statements of percentages I have

made are based. I will not undertake to read at any length from these statements, because I have already trespassed too long on the time of the Senate; but I think the original data may be of some value if left available to those desiring to inquire into the correctness of the statements made.

Where fraud is charged or evidence of fraud exists, the present machinery is ample to detect, investigate, prosecute, and punish the guilty. Where fraud is not charged and the existence thereof is not suggested by any fact or circumstance, the men who enter public lands are entitled to the same fair and just treatment accorded to all other citizens engaged in legitimate pursuits. They are entitled to the full benefit of that ancient and beneficent rule of law which holds that all things are presumed to be done legitimately until the contrary is proved and to the further well-established principle that dishonesty is not to be presumed. They are entitled to their rights under the law, and no officer is authorized to issue any order denying or abridging such rights.

To the band of Pharisees who base their claims to personal honesty and public attention on the merciless slandering of their neighbors it is useless to submit any question in the expectation of obtaining fair and impartial treatment. He who would establish his own reputation for virtue by pointing to the alleged lack of that quality in others ere long becomes the victim of a confirmed habit of dissimulation. Such an individual will meet law and facts with opprobrious epithets while attempting to smother the logic of figures beneath an avalanche of innuendo and falsehood. From that class of persons the good people settling the West need expect neither justice, comfort, nor support, but only additional insult and injury.

To the honorable writers and the decent press of the country special appeal is unnecessary. The law, the facts, and the figures tell the plain story of the rights and the wrongs of the thousands upon thousands of honest, care-encumbered men and women whose cause I earnestly, but all too feebly, attempt to plead.

I have been with and of these people and witnessed them felling the trees and grubbing the stumps on the Ohio River bottom, I will say to the Senator from Ohio. I was with this band of wanderers when they turned the sod of Illinois and drained the swamps of that great State. I saw them working to reclaim from a condition of nature the great, grand, rolling prairies of Iowa, and I am with them and of them still on the table-lands of the Rocky Mountains. I know of their sense of honor, probity of character, and integrity of purpose.

They are an honest people, and it calls forth every particle of indignation in my nature to hear any officer of this Government in a seat of power traducing them and charging them with wholesale perjury and fraud, in defiance of law and the plain records of his own office. I have heard of constituencies voting lack of confidence in the government, and before that lack of confidence governments have fallen; but I have never heard before of a government announcing a lack of confidence in the whole people of numerous States and Territories. And yet that is the peculiar condition in which we of the West find ourselves to-day.

It may be inquired why we bring this matter into the Senate? Because an appropriation of \$500,000 is called for to aid in carrying forward an iniquitous policy, not supported by any facts, based only upon suspicion, and that suspicion without foundation. I do not wish to see the legislative department of the Government tainted with any kind of participation in this wholesale questioning of the integrity and veracity of the people living beyond the Mississippi.

Mr. President, further still, while asking the legislative department of the Government to withhold its support from this policy, I do hope that having here stated the facts and challenged the records for their support, we may find elsewhere and hereafter a relaxation of these odious rules and a restoration of that confidence in the home builders of the West which they have enjoyed and justified for more than a century.

APPENDIX No. 1.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1907.

Hon. THOMAS H. CARTER,
United States Senate.

MY DEAR SENATOR: In reply to your request of the 8th instant, I transmit herewith statements showing the entries of public lands pending in this Office, etc., at the close of the fiscal year ended June 30, 1890, and succeeding fiscal years to and including that ended June 30, 1905. A similar report for the fiscal year ended June 30, 1906, was furnished by letter of January 5, 1906.

These statements were compiled from the annual reports. The number of "Contests brought by individuals" and "Entries canceled" during each fiscal year could not be segregated into the different classes of entries, because the annual reports do not so state them. The "Entries canceled" comprise those canceled as the result of contests

by individuals and for failure to make final proof within the prescribed statutory period, relinquishments, abandonment, etc.

The statement of entries, etc., protested by special agents and pending or canceled, are in addition to the other statements of entries pending and canceled.

Very respectfully,

W. A. RICHARDS, Commissioner.

Statement of the number of entries of public lands pending in the General Land Office at the close of each fiscal year, cancellations, etc., from July 1, 1890, to June 30, 1905, inclusive.

Entries of public lands pending in the General Land Office July 1, 1890:

Original homesteads	205,989
Final homesteads	29,100
Commuted homesteads	8,609
Soldiers' additional homesteads	760
Indian final homesteads	87
Original desert land	7,341
Final desert land	800
Original timber culture	123,037
Final timber culture	2,857
Coal	428
Timber and stone	4,039
Warrant and scrip	548
Private cash	2,052
Graduation cash	6,096
Act of June 15, 1880	352
Indian cash	845
Preemption	68,134
Mineral	5,489
Miscellaneous	923

Total 467,480

Contests brought against entries by individuals and pending July 1, 1890

Entries canceled during fiscal year ending June 30, 1890 38,876

In addition, entries protested by special agents were pending July 1, 1890, as follows:

Homestead	1,225
Commuted homestead	453
Preemption	2,177
Timber culture	246
Timber and stone	2,109
Desert land	473
Private cash	38
Mineral	47
Coal	70

Total 6,838

Entries protested by special agents and canceled during fiscal year ending June 30, 1890:

Homestead	225
Commuted	27
Preemption	115
Timber culture	107
Timber and stone	10
Desert land	36

Total 520

Entries of public lands pending in the General Land Office July 1, 1891:

Original homesteads	193,535
Final homesteads	20,328
Commuted homesteads	5,790
Soldiers' additional homesteads	347
Original desert land	7,468
Final desert land	1,507
Original timber culture	118,748
Final timber culture	3,466
Coal	268
Indian homesteads	43
Timber and stone	2,054
Warrant and scrip	573
Private cash	2,046
Graduation cash	6,061
Act of June 15, 1880	294
Indian cash	1,247
Preemption	24,588
Town site	3
Mineral	4,818
Miscellaneous	1,774

Total 394,958

Contests brought against entries by individuals and pending July 1, 1891

Entries canceled during fiscal year ending June 30, 1891 73,336

In addition, entries protested by special agents were pending July 1, 1891, as follows:

Homestead	1,037
Commuted homestead	183
Preemption	1,145
Timber culture	286
Timber and stone	2,217
Desert land	314
Private cash	39
Mineral	47
Coal	55

Total 5,323

Entries protested by special agents and canceled during fiscal year ending June 30, 1891:

Homestead	207
Commuted homestead	143
Preemption	408
Timber culture	40
Timber and stone	16
Desert land	76

Entries protested by special agents, etc.—Continued.

Private cash	3
Mineral	6
Coal	21
Total	920

Entries of public lands pending in the General Land Office

July 1, 1892:	
Final homesteads	5,075
Commuted homesteads	1,515
Soldiers' additional homesteads	176
Original desert land	7,290
Final desert land	629
Original timber culture	107,850
Final timber culture	1,882
Commuted timber culture	1,370
Coal	92
Indian homesteads	27
Timber and stone	360
Warrant and scrip	327
Private cash	957
Public sale	12
Under act of March 3, 1887	9
Under act of June 15, 1880	99
Indian cash	511
Indian allotments	141
Preemption	3,652
Under act of September 29, 1890	477
Town sites	260
Under act October 1, 1890	7
Mineral	2,635
Miscellaneous	39
Total	135,392

Contests brought against entries by individuals and pending

July 1, 1892	1,817
Entries canceled during fiscal year ending June 30, 1892	18,401

In addition, entries protested by special agents were pending July 1, 1892, as follows:

Homestead	695
Commuted homestead	191
Preemption	718
Timber culture	177
Timber and stone	1,992
Desert land	70
Private cash	33
Mineral	41
Coal	34
Total	3,951

Entries protested by special agents and canceled during fiscal year ending June 30, 1892:

Homestead	375
Commuted homestead	2
Preemption	33
Timber culture	186
Timber and stone	2
Desert land	42
Coal	1
Total	641

Entries of public lands pending in the General Land Office July 1, 1893:

Original homesteads (not given in annual report)	
Final homesteads	8,435
Commuted homesteads	1,602
Soldier's additional homesteads	84
Original timber culture (not given in annual report)	
Final timber culture	2,420
Commuted timber culture	1,788
Original desert land (not given in annual report)	
Final desert land	988
Coal	77
Timber and stone	407
Warrant and scrip	302
Private cash	884
Act of March 3, 1887	1
Act of June 15, 1880	76
Act of September 29, 1890	456
Final Indian homesteads	176
Indian cash	550
Indian allotments	498
Preemption	3,121
Town site	7
Mineral	2,186
Miscellaneous	92
Total	24,150

Contests brought against entries by individuals and pending

July 1, 1893	2,766
Entries canceled during fiscal year ending July 1, 1893	20,690

In addition, entries protested by special agents were pending July 1, 1893, as follows:

Homestead	476
Commuted homestead	112
Preemption	324
Timber culture	221
Timber and stone	1,117
Desert land	39
Private cash	12
Mineral	34
Coal	44
Total	2,379

Entries protested by special agents and canceled during fiscal year ending June 30, 1893:

Homestead	138
Commuted homestead	5
Preemption	19
Timber culture	96
Timber and stone	50
Desert land	15
Private cash	2
Coal	2
Total	327

Entries of public lands pending in the General Land Office

July 1, 1894:	
Original homesteads (not given in annual report)	
Final homesteads	9,387
Commuted homesteads	1,598
Soldiers' additional homesteads	68
Original timber culture	93,636
Final timber culture	5,390
Commuted timber culture	1,406
Original desert land	9,328
Final desert land	51
Timber and stone	856
Warrant and scrip	423
Private cash	1,486
Graduation cash	5,934
Act of March 3, 1887	5
Act of June 15, 1880	73
Act of September 29, 1890	630
Final Indian homesteads	80
Indian cash	286
Indian allotments	182
Preemption	3,047
Town site and town lots	1,319
Mineral and coal	1,898
Miscellaneous	416
Total	137,499

Contests brought against entries by individuals and pending

July 1, 1894	1,862
Entries canceled during fiscal year ending June 30, 1894	19,925

In addition, entries protested by special agents were pending July 1, 1894, as follows:

Homestead	606
Commuted homestead	71
Preemption	263
Timber culture	156
Commuted timber culture	2
Timber and stone	739
Desert land	120
Private cash	16
Mineral	32
Coal	26
Total	2,031

Entries protested by special agents and canceled during fiscal year ending June 30, 1894:

Homestead	124
Commuted homesteads	2
Preemption	13
Timber culture	91
Timber and stone	16
Desert land	15
Private cash	1
Mineral	3
Coal	2
Total	267

Entries of public lands pending in the General Land Office

July 1, 1895:	
Original homestead	216,380
Final homestead	3,719
Commuted homestead	1,222
Soldiers' additional homestead	45
Timber culture, final	473
Timber culture, original (not in annual report)	
Commuted timber culture	195
Desert land, final, original (not in annual report)	94
Timber and stone	239
Warrant and scrip	237
Private cash	1,457
Graduation in cash	5,443
Act March 3, 1887	2
Act June 15, 1880	65
Public sale	24
Indian homestead	53
Indian cash	343
Indian allotment	153
Town site and town lots	24
Act September 29, 1890	386
Preemption	447
Mineral and coal	1,116
Miscellaneous	406
Total	232,523

Contests brought against entries by individuals and pending

July 1, 1895	1,374
Entries canceled during fiscal year ending June 30, 1895	26,754

In addition, entries protested by special agents were pending July 1, 1895, as follows:

Homestead	667
Commuted homestead	90
Preemption	180
Timber culture	106
Commuted timber culture	4
Timber and stone	586

Desert land	129
Private cash	15
Mineral	9
Coal	14
Total	1,800

Entries protested by special agents and canceled during fiscal year ending June 30, 1895:

Homestead	212
Commuted homestead	7
Preemption	22
Timber culture	174
Timber and stone	113
Desert land	17
Mineral	2
Coal	1
Total	548

Entries of public lands pending in the General Land Office July 1, 1896:

Original homestead	218,091
Final homestead	3,645
Commuted homestead	1,317
Soldiers' additional homestead	16
Timber culture, final (original not in annual report)	1,460
Commuted timber culture	189
Desert land, final (original not in annual report)	178
Timber and stone	63
Warrant and scrip	294
Private cash	1,392
Graduation cash	4,497
Act March 3, 1887	10
Act June 15, 1880	44
Public sale	50
Indian homestead	35
Indian cash	668
Indian allotment	975
Act September 29, 1890	113
Preemption	300
Mineral and coal entries	770
Miscellaneous	112
Total	234,219

Contests brought against entries by individuals and pending July 1, 1896:

Entries canceled during the fiscal year ending June 30, 1896	24,991
In addition, entries protested by special agents were pending July 1, 1896, as follows:	
Homestead	702
Commuted homestead	56
Preemption	66
Timber culture	187
Timber and stone	367
Desert land	172
Private cash	8
Mineral	12
Coal	4
Indian allotment	163
Total	1,737

Entries protested by special agents and canceled during fiscal year ending June 30, 1896:

Homestead	445
Commuted homestead	12
Preemption	11
Timber culture	237
Timber and stone	90
Desert land	19
Total	814

Entries of public lands pending in the General Land Office July 1, 1897:

Original homesteads	254,898
Final homesteads	4,783
Commuted homesteads	611
Soldiers' additional homesteads	23
Original timber culture (not in annual report)	
Final timber culture	2,477
Commuted timber culture	98
Original desert land (not in annual report)	
Final desert land	227
Timber and stone	104
Coal	13
Warrant and scrip	231
Private cash	1,582
Graduation cash	2,423
Act of March 3, 1887	5
Act of June 15, 1880	26
Act of September 29, 1890	205
Public sale	68
Indian homestead	43
Indian cash	201
Indian allotments	3,744
Town site	1
Preemption	266
Mineral and coal	774
Miscellaneous	42
Total	272,845

Contests brought against entries by individuals and pending July 1, 1897:

Entries canceled during fiscal year ending June 30, 1897	25,549
In addition, entries protested by special agents were pending July 1, 1897, as follows:	
Homestead	743
Commuted homestead	27
Preemption	56

Timber culture	57
Timber and stone	259
Desert land	153
Private cash	4
Mineral	10
Coal	2
Indian allotments	216
Total	1,527

Entries protested by special agents and canceled during fiscal year ending June 30, 1897:

Homestead	777
Commuted homestead	7
Preemption	8
Timber culture	310
Timber and stone	95
Desert land	85
Indian allotments	19
Total	1,301

Entries of public lands pending in the General Land Office July 1, 1898:

Original homesteads	215,899
Final homesteads	5,112
Commuted homesteads	1,073
Soldiers' additional homesteads	18
Timber culture	3,575
Commuted timber culture	75
Desert land	545
Timber and stone	95
Warrant and scrip	232
Private cash	1,298
Graduation cash	1,565
Act March 3, 1887	11
Act June 15, 1880	3
Public sale	68
Indian homesteads	11
Indian cash	251
Indian allotments	3,801
Town site	23
Town lot	57
Act September 29, 1890	105
Preemption	213
Mineral and coal	1,126
Lieu selections, act June 4, 1897	44
Miscellaneous	31
Total	235,231

Contests brought against entries by individuals and pending July 1, 1898:

Entries canceled during fiscal year ending June 30, 1898:	
Original entries	16,920
Final entries	284
Total	17,204

In addition, entries protested by special agents were pending July 1, 1898, as follows:

Homestead	1,231
Commuted homestead	39
Preemption	47
Timber culture	155
Timber and stone	285
Desert land	115
Private cash	4
Mineral	13
Coal	8
Indian allotments	153
Total	2,050

Entries protested by special agents and canceled during fiscal year ending June 30, 1898:

Homestead	448
Timber culture	174
Timber and stone	4
Desert land	76
Indian allotments	86
Total	788

Entries of public lands pending in the General Land Office July 1, 1899:

Original homesteads	265,132
Final homesteads	5,593
Commuted homesteads	1,764
Soldiers' additional homesteads	124
Timber culture	2,145
Commuted timber culture	76
Desert land	213
Timber and stone	178
Warrant and scrip	221
Private cash	1,078
Graduation cash	1,004
Act March 3, 1887	17
Act June 15, 1880	2
Public sale	130
Indian homesteads	10
Indian cash	235
Indian allotments	3,130
Town lots	44
Town site	18
Act September 29, 1890	141
Lieu selections, act June 4, 1897	443
Preemption	224
Private land claims	3,107
Donation claims	70
Mineral and coal	953
Miscellaneous	154
Total	280,206

Contests brought against entries by individuals and pending July 1, 1899..... 2, 100

Entries canceled during fiscal year ending June 30, 1899:
Original entries..... 20, 751
Final entries..... 358

Total..... 21, 109

In addition, entries protested by special agents were pending July 1, 1899, as follows:

Homesteads..... 1, 501
Commuted homesteads..... 73
Preemption..... 24
Timber culture..... 275
Commuted timber culture..... 15
Timber and stone..... 198
Desert land..... 90
Private cash..... 5
Mineral..... 22
Coal..... 8
Indian allotments..... 288

Total..... 2, 499

Entries protested by special agents and canceled during fiscal year ending June 30, 1899:

Homesteads..... 1, 025
Timber culture..... 165
Timber and stone..... 36
Desert..... 14
Indian allotments..... 65

Total..... 1, 305

Entries of public lands pending in the General Land Office July 1, 1900:

Original homestead..... 228, 729
Final homestead..... 8, 658
Commuted homestead..... 3, 264
Soldier's additional homestead..... 149
Timber culture..... 477
Commuted timber culture..... 86
Desert land..... 448
Timber and stone..... 951
Warrant and scrip..... 237
Private cash..... 1, 565
Graduation cash..... 748
Act March 3, 1887..... 20
Act June 15, 1880..... 3
Public sale..... 196
Indian homestead..... 3
Indian cash..... 411
Indian allotment..... 31
Town site..... 12
Town lot..... 44
Act September 29, 1890..... 70
Preemption..... 395
Indian allotments..... 7, 646
Mineral and coal..... 1, 155
Lieut selections, act June 4, 1897..... 2, 356
Miscellaneous..... 96

Total..... 257, 750

Contests brought against entries by individuals and pending July 1, 1900..... 2, 007

Entries canceled during fiscal year ending June 30, 1900:
Original entries..... 23, 224
Final entries..... 249

Total..... 23, 473

In addition, 598 entries protested by special agents were canceled during the fiscal year ending June 30, 1900, and 2,962 such entries were pending July 1, 1900. The kind of entries (canceled or pending) do not appear in the annual report.

Entries of public lands pending in the General Land Office July 1, 1901:

Original homesteads..... 231, 584
Final Homesteads..... 15, 326
Commuted homesteads..... 4, 683
Soldier's additional homesteads..... 354
Timber culture..... 423
Commuted timber culture..... 84
Desert land..... 376
Timber and stone..... 853
Warrant and scrip..... 271
Private cash..... 1, 094
Graduation cash..... 791
Act March 3, 1887..... 17
Act June 15, 1880..... 3
Public sale..... 1, 334
Indian homestead..... 3
Indian cash..... 462
Indian allotments..... 13, 793
Town site..... 2
Town lot..... 44
Act September 29, 1890..... 57
Preemption..... 20
Mineral..... 1, 259
Coal..... 89
Lieut selections, act June 4, 1897..... 3, 610
Miscellaneous..... 8

Total..... 276, 540

Contests brought against entries by individuals and pending July 1, 1901..... 2, 218

Entries canceled during fiscal year ending June 30, 1901:
Original entries..... 25, 857
Final entries..... 175

Total..... 26, 032

In addition, entries protested by special agents were pending July 1, 1901, as follows:

Homestead entries..... 2, 250
Commuted homesteads..... 123
Soldier's additional homesteads..... 325
Preemption..... 16
Timber culture..... 409
Commuted timber culture..... 2
Timber and stone..... 182
Desert land..... 4
Mineral and coal..... 4
Indian allotments..... 1

Total..... 3, 316

Entries protested by special agents and canceled during fiscal year ending June 30, 1901:

Homestead entries..... 562
Commuted homesteads..... 10
Soldier's additional homesteads..... 1
Preemption..... 1
Timber culture..... 102
Timber and stone..... 1
Desert (includes original and final)..... 38
Indian allotments..... 21

Total..... 739

Entries of public lands pending in the General Land Office July 1, 1902:

Original homesteads..... 248, 576
Final homesteads..... 17, 025
Commuted homestead..... 6, 962
Soldier's additional homestead..... 189
Timber culture..... 1, 181
Commuted timber culture..... 76
Desert land..... 668
Timber and stone..... 1, 944
Warrant and scrip..... 421
Private cash..... 910
Graduation cash..... 654
Act March 3, 1887..... 21
Act June 15, 1880..... 3
Public sale..... 446
Indian homestead..... 3
Indian cash..... 731
Indian allotments..... 7, 957
Preemption cash..... 31
Act September 29, 1890..... 51
Preemption..... 16
Town site..... 5
Town lot..... 158
Mineral..... 2, 134
Coal..... 65
Lieut selections, act June 4, 1897..... 4, 185
Miscellaneous..... 309

Total..... 294, 721

Contests brought against entries by individuals and pending July 1, 1902..... 3, 046

Entries canceled during fiscal year ending June 30, 1902:

Original entries..... 33, 371
Final entries..... 185

Total..... 33, 556

In addition, entries protested by special agents, were pending July 1, 1902, as follows:

Homesteads..... 2, 531
Commuted homesteads..... 250
Soldier's additional homesteads..... 743
Preemption..... 15
Timber culture..... 386
Commuted timber culture..... 6
Timber and stone..... 924
Desert..... 101
Mineral and coal..... 38
Indian allotments..... 474

Total..... 5, 468

Entries protested by special agents and canceled during fiscal year ending June 30, 1902:

Homesteads..... 662
Commuted homesteads..... 12
Soldier's additional homesteads..... 70
Timber culture..... 128
Timber and stone..... 4
Desert..... 6
Indian allotments..... 39

Total..... 921

Entries of public lands pending in the General Land Office July 1, 1903:

Original homesteads..... 255, 724
Final homesteads..... 15, 380
Commuted homesteads..... 12, 408
Soldier's additional homesteads..... 73
Timber culture..... 1, 600
Commuted timber culture..... 90
Desert..... 1, 587
Timber and stone..... 6, 274
Warrant and scrip..... 563
Private cash..... 1, 337
Graduation cash..... 639
Act March 3, 1887..... 19
Public sale..... 491
Indian homestead..... 4
Indian cash..... 577
Indian allotments..... 3, 237
Preemption..... 376

Entries of public lands pending, etc.—Continued.

Act September 29, 1890.....	49
Act June 5, 1887.....	5
Town site.....	6
Town lot.....	109
Mineral.....	2,967
Coal.....	301
Lieu selections, act June 4, 1897.....	5,404
Miscellaneous.....	658

Total.....	309,878
Contests brought against entries by individuals and pending July 1, 1903.....	3,125

Entries canceled during fiscal year ending June 30, 1903:

Original entries.....	40,877
Final entries.....	183
Total.....	41,060

In addition, entries protested by special agents were pending July 1, 1903, as follows:

Original homesteads.....	3,022
Final homesteads.....	1,732
Soldier's additional homestead.....	1,155
Cash entries (preemption, commuted homestead, and timber culture).....	1,484
Timber and stone filings and final proofs.....	1,236
Timber and stone entries.....	8,579
Original timber culture.....	296
Final timber culture.....	47
Original desert.....	132
Final desert.....	15
Mineral applications.....	8
Mineral and coal entries.....	17
Scrip locations.....	7
Forest reserve lieu selections.....	14
Preemption declaratory statements.....	5
Indian allotments.....	591

Total.....	18,340
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Nine hundred and fifty-five entries, protested by special agents, were canceled during the fiscal year ending June 30, 1903. The kind of entries so canceled does not appear in the Office report for that year.

Entries of public lands pending in the General Land Office July 1, 1904:

Original homestead.....	272,926
Commuted and final homestead.....	25,928
Other cash entries.....	10,189
Desert land.....	2,565
Timber culture.....	427
Town lot.....	108
Indian allotments.....	1,271
Mineral.....	2,155
Coal.....	167
Lieu selections, act June 4, 1897.....	5,616
Miscellaneous.....	1,673

Total.....	323,025
Contests brought against entries by individuals and pending July 1, 1904.....	2,657

Entries canceled during fiscal year ending June 30, 1904:

Original entries.....	29,659
Final entries.....	311
Total.....	29,970

In addition, entries, etc., protested by special agents were pending July 1, 1904, as follows:

Homesteads:	
Original.....	3,933
Final.....	1,975
Commuted.....	1,807
Soldiers' additional:	
Applications.....	2,501
Entries.....	225
Desert land:	
Original.....	196
Final.....	92
Timber culture:	
Original.....	248
Final.....	50
Timber and stone:	
Sworn statements.....	1,391
Cash entries.....	5,201
Mineral applications.....	13
Mineral entries.....	131
Lieu selections, act June 4, 1897.....	27
Indian allotments.....	655

Total.....	18,445
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Entries, etc., protested by special agents and canceled during fiscal year ending June 30, 1904:

Homesteads—	
Original.....	785
Final.....	26
Commuted.....	54
Soldiers' additional—	
Applications.....	237
Entries.....	4
Desert land—	
Original.....	29
Final.....	2
Timber culture—	
Original.....	47
Final.....	5
Timber and stone—	
Sworn statements.....	24
Cash entries.....	6
Lieu selections, act June 4, 1897.....	2
Indian allotments.....	10
Total.....	1,231

Entries of public lands pending in the General Land Office July 1, 1905:

Original homestead.....	265,220
Commuted and final homestead.....	13,590
Other cash.....	7,172
Timber and stone.....	7,591
Desert land.....	2,955
Town site.....	24
Town lot.....	94
Indian allotment.....	693
Mineral.....	1,275
Coal.....	198
Lieu selections, act June 4, 1897.....	4,909
Miscellaneous.....	22

Total.....	296,743
Contests brought against entries by individuals and pending July 1, 1905.....	1,683

Entries canceled during fiscal year ending June 30, 1905:

Original entries.....	45,917
Final entries.....	346
Total.....	46,263

In addition, entries, etc., protested by special agents were pending July 1, 1905, as follows:

Original homestead.....	4,830
Final homestead.....	1,898
Commuted.....	1,842
Original desert land.....	500
Final.....	237
Timber culture:	
Original.....	110
Final.....	85
Timber and stone:	
Sworn statements.....	1,234
Cash entries.....	2,597
Mineral applications.....	19
Mineral entries.....	142
Soldiers' additional—	
Applications.....	2,156
Entries.....	86
Recertifications.....	56
Substitutions.....	60
Lieu selections, act June 4, 1897.....	62
Indian allotments.....	633

Total.....	16,548
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Entries protested by special agents and canceled during fiscal year ending June 30, 1905:

Homesteads—	
Original.....	780
Final.....	39
Commuted.....	42
Desert lands—	
Original.....	63
Final.....	2
Timber culture—	
Original.....	131
Final.....	1
Timber and stone—	
Sworn statements.....	28
Cash entries.....	13
Soldiers' additional—	
Applications.....	398
Entries.....	12
Recertifications.....	6
Substitutions.....	1
Indian allotments.....	3
Total.....	1,519

APPENDIX No. 2.

Entries canceled during the fiscal year ending June 30—

1890.....	38,876
1891.....	73,336
1892.....	18,401
1893.....	20,690
1894.....	19,925
1895.....	26,754
1896.....	24,931
1897.....	25,549
1898.....	17,204
1899.....	21,109
1900.....	23,473
1901.....	26,032
1902.....	33,556
1903.....	41,060
1904.....	29,970
1905.....	46,263

Total.....	238,667
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The total of annual cancellations here shown are made up chiefly of original entries or mere filings, to which the Secretary's order does not apply, as only final entrymen are applicants for patents. This table is introduced to supply data for efficiency comparisons merely.

By a comparison of the eight years following the advent of the present Secretary upon the scene with the eight years immediately preceding we may determine, by the number of public-land entries of all kinds canceled, something of the much-advertised efficiency and vigilance of the present head of the Department, as compared with the average work of his four predecessors. From 1890 to 1897, inclusive, the average annual cancellation of all classes of entries was 31,058, whereas the average annual cancellations from 1898 to 1905, inclusive, is shown by the record to be 29,834. The average number of entries canceled annually for the whole period of sixteen years is 30,445.

The total number of all classes of entries shown at the close of each fiscal year has varied somewhat during the sixteen-year period, but not to a degree sufficient to materially affect the average of cancellations annually, as compared with the total number of entries.

From this it will be seen that the predecessors of the present Secretary, with much less expense and with infinitely less noise, produced

more telling results, if the number of entries canceled by the Department is to be accepted as evidence of vigilance and efficiency in the administration of the land laws. The present Secretary's record for the last eight years shows an annual drop below the line of efficiency aggregating more than 1,000 entries annually, as compared with the cancellations during the preceding eight years. The Land Office figures have not been furnished me for the fiscal year ending June 30, 1906, but I doubt if they were incorporated the result would be noticeably modified. It reminds us of the old saying: "An empty wagon makes much noise."

APPENDIX No. 3.

Homestead final-proof blanks, printed as exhibit, setting forth substantially the form of proof in all final-entry cases:

Copy of notice to be published for thirty days.

No. 1.—HOMESTEAD.

LAND OFFICE AT _____, _____, 190—.

I, _____, of _____, who on _____ made homestead application No. _____ for the _____, do hereby give notice of my intention to make (insert "final" or "commuted") _____ proof to establish my claim to the land above described, and that I expect to prove my residence and cultivation before (naming officer) _____, at _____, on _____, 190—, by two of the following witnesses:

_____, of _____,
_____, of _____,
_____, of _____,
_____, of _____.

[Signature of claimant.]

LAND OFFICE AT _____, _____, 190—.

Notice of the above application will be published in the _____, printed at _____, which I hereby designate as the newspaper published nearest the land described in said application.

Register.

Notice to claimant.—Give time and place of proving up and name the title of the officer before whom proof is to be made; also give names and post-office address of four neighbors, two of whom must appear as your witnesses.

After thus giving public notice, and at the time and place specified therein, the claimant must appear and testify in open court (so to speak) in response to interrogatories appearing on the blank as follows:

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

_____, being called as a witness in his own behalf in support of homestead entry No. _____, for _____, testifies as follows:

Question 1. What is your name as you wish it to appear in your patent; age, and post-office address?

Answer.

Question 2. Are you a native-born citizen of the United States? And if so, in what State or Territory were you born?

Answer.

Question 3. Are you the identical person who made homestead entry No. _____, at the _____ land office, on the _____ day of _____, 19—; and what is the true description of the land now claimed by you?

Answer.

Question 4. When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Answer.

Question 5. Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Answer.

Question 6. For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Answer.

Question 7. How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed, and by whom owned.

Answer.

Question 8. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Answer.

Question 9. What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Answer.

Question 10. Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Answer.

Question 11. Have you ever made any other homestead entry? (If so, describe the same.)

Answer.

Question 12. Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Answer.

Question 13. Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Answer.

Question 14. Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

Answer.

[Sign plainly with full Christian name.] _____.

In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case.

A separate blank is used for each witness, as follows:

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

_____, being called as a witness in support of the homestead entry of _____ for _____, testifies as follows:

Question 1. What is your name, age, and post-office address?

Answer.

Question 2. Are you well acquainted with the claimant in this case and the land embraced in his claim?

Answer.

Question 3. Is said tract within the limits of an incorporated town or selected site of a city or town or used in any way for trade or business?

Answer.

Question 4. State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Answer.

Question 5. When did claimant settle upon the homestead, and at what date did he establish actual residence thereon?

Answer.

Question 6. Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Answer.

Question 7. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Answer.

Question 8. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed and by whom owned.

Answer.

Question 9. What improvements are on the land, and what is their value?

Answer.

Question 10. Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Answer.

Question 11. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?

Answer.

Question 12. Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Answer.

[Sign plainly with full Christian name.] _____.

I hereby certify that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this _____ day of _____, 190—, at my office at _____, in _____ County, _____.

(See note on fourth page.)

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

On the last page of the homestead proof blank appears the following: I hereby certify that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this _____ day of _____, 190—, at my office at _____, in _____ County, _____.

(See note below.)

TITLE LXX.—CRIMES.—Ch. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

Section — of the Revised Statutes of the United States.

I, _____, having made a homestead entry of the _____, section No. _____, in township No. _____, of range No. _____, subject to entry at _____, under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. _____ of the Revised Statutes of the United States; and for that purpose do solemnly _____ that I _____ a citizen of the United States, that I have made actual settlement upon and have cultivated and resided upon said land since the _____ day of _____, 19—, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States, and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except _____.

[Sign plainly with full Christian name.] _____.

I, _____, of _____, do hereby certify that the above affidavit was subscribed and sworn to before me this _____ day of _____, 190—, at my office at _____, in _____ County, _____.

APPENDIX No. 4.

Pending at the close of the fiscal year ending June 30, 1904.

Number commuted and final homestead entries	25,928
Number of above entries protested	3,782
Total number of above entries canceled during the year	80

Which is 2.12 per cent of the whole number protested and three-tenths of 1 per cent of the whole number of commuted and final homestead entries.

Number final desert-land entries..... 2,565
Number above entries protested..... 92
Total number of above entries canceled during the year..... 2

Which is 2.17 per cent of the whole number protested and one-twelfth of 1 per cent of the whole number of final desert-land entries.

Timber and stone entries..... 9,435
Number of above entries protested..... 5,201
Total number of above entries canceled during the year..... 6

Which is one-ninth of 1 per cent of the protested entries and one-fifteenth of 1 per cent of the whole number of timber and stone entries.

Pending at the close of the fiscal year ending June 30, 1905.

Number commuted and final homestead entries..... 13,590
Number above entries protested..... 3,740
Total number of above entries canceled during the year..... 81

Which is 2.17 of the number protested and six-tenths of 1 per cent of the whole number of commuted and final homestead entries.

Number desert-land entries..... 2,055
Number of above entries protested..... 237
Total number of above entries canceled during the year..... 2

Which is about 1 per cent of the number protested and about one-fifteenth of 1 per cent of the whole number.

Timber and stone entries..... 5,188
Number of above entries protested..... 2,597
Total number of above entries canceled during the year..... 13

Which is about one-half of 1 per cent of the number protested and about one-fourth of 1 per cent of the whole number.

APPENDIX No. 5.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 12, 1907.

HON. THOMAS H. CARTER,
United States Senate.

SIR: In reply to your verbal request of to-day, I have the honor to transmit the following statement of appropriations for salaries and expenses of certain officers of the Interior Department and Public Land Service for the fiscal years 1900 to 1907, inclusive:

	1900.	1901.	1902.	1903.
Salary, special land inspector Department of the Interior.....	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Expenses of same.....	2,000.00	2,212.80	2,187.20	2,000.00
Salaries, special inspectors Department of the Interior.....			10,000.00	10,000.00
Expenses of same.....			6,000.00	8,000.00
Inspectors of surveyors-general and district land offices.....	6,000.00	6,000.00	6,000.00	6,000.00
Expenses of same.....	7,000.00	7,000.00	14,622.15	7,000.00
Salaries and commissions of registers and receivers.....	575,835.38	589,000.00	601,723.75	605,000.00
	1904.	1905.	1906.	1907.
Salary special land inspector, Department of the Interior.....	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Expenses of same.....	2,000.00	2,000.00	2,000.00	2,000.00
Salaries special inspectors, Department of the Interior.....	10,000.00	10,000.00	12,500.00	12,500.00
Expenses of same.....	8,056.95	8,000.00	10,000.00	10,000.00
Inspectors of surveyors-general and district land offices.....	6,000.00	6,000.00	6,000.00	6,000.00
Expenses of same.....	8,050.00	7,000.00	7,000.00	7,000.00
Salaries and commissions of registers and receivers.....	600,282.64	600,272.23	590,000.00	565,000.00
Confidential agents, Department of the Interior, salaries and expenses.....				10,000.00

The above figures include deficiencies.
Respectfully, yours,

J. B. REYNOLDS,
Acting Secretary.

Appropriations for "protecting public lands, timber, etc." for fiscal years 1900 to 1907, inclusive, including deficiencies.

1900.....	\$150,000.00
1901.....	185,000.00
1902.....	165,000.00
1903.....	190,000.00
1904.....	205,032.10
1905.....	250,000.00
1906.....	250,000.00
1907.....	250,000.00
Total.....	1,645,032.10

APPENDIX No. 6.

WESTERN CANADA HOMESTEAD REGULATIONS.

The following is a plan of a township:
Each square contains 640 acres; each quarter section contains 160 acres.

A section contains 640 acres and forms 1 mile square.
Government lands open for homestead—that is, for free settlement—section Nos. 2, 4, 6, 10, 12, 14, 16, 18, 20, 22, 24, 28, 30, 32, 34, 36.
Canadian Pacific Railway lands for sale: Section Nos. 1, 3, 5, 7, 9, 13, 15, 17, 19, 21, 23, 25, 27, 31, 33, 35.
Sections Nos. 1, 9, 13, 21, 25, 33, along the main line, Winnipeg to Moose Jaw, can be purchased from Canada Northwest Land Company.

School sections: Section Nos. 11 and 29 are reserved by Government for school purposes.

Hudson Bay Company's land for sale: Sections Nos. 8 and 26.

Any even-numbered section of Dominion lands in Manitoba or the Northwest Territories, excepting 8 and 26, which has not been homesteaded, reserved to provide wood lots for settlers, or for other purposes, may be homesteaded upon by any person who is the sole head of a family, or any male over 18 years of age, to the extent of one-quarter section of 160 acres, more or less.

Entry.—Entry may be made personally at the local land office for the district in which the land to be taken is situate, or if the homesteader desires, he may, on application to the minister of the interior, Ottawa, the commissioner of immigration, Winnipeg, or the local agent for the district in which the land is situate, receive authority for some one to make entry for him. A fee of \$10 is charged for an ordinary homestead entry.

Homestead duties.—Under the present law homestead duties must be performed in one of the following ways, namely:

(1) By at least six months' residence upon and cultivation of the land in each year during the term of three years.

(2) If the father (or the mother, if the father is deceased) of any person who is eligible to make a homestead entry resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of the law as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother.

(3) If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the law as to residence may be satisfied by residence upon the said land.

Application for patent should be made at the end of the three years, before the local agent, subagent, or the homestead inspector. Before making application for patent the settler must give six months' notice in writing to the commissioner of Dominion lands at Ottawa of his intention to do so.

Information.—Newly arrived immigrants will receive at the immigration office in Winnipeg, or at any Dominion lands office in Manitoba or the Northwest Territories, information as to the lands that are open for entry, and from the officers in charge, free of expense, advice and assistance in securing lands to suit them; and full information respecting the land, timber, coal, and mineral laws, as well as respecting Dominion lands in the railway belt in British Columbia, may be obtained upon application to the secretary of the department of the interior, Ottawa; the commissioner of immigration, Winnipeg, Manitoba, or to any of the Dominion lands agents in Manitoba or the Northwest Territories.

JAMES A. SMART,

Deputy Minister of the Interior.

N. B.—In addition to free grant lands, to which the regulations above stated refer, thousands of acres of most desirable lands are available for lease or purchase from railroad and other corporations and private firms in western Canada.

Customs.—Free entries.—The following is an extract from the customs tariff of Canada, specifying the articles that can be so entered:

Settlers' effects, viz.: Wearing apparel, household furniture, books, implements and tools of trade, occupation or employment; guns, musical instruments, domestic sewing machines, typewriters, live stock, bicycles, carts and other vehicles, and agricultural implements in use by the settler for at least six months before his removal to Canada; not to include machinery or articles imported for use in any manufacturing establishment or for sale; also books, pictures, family plate or furniture, personal effects, and heirlooms left by bequest: *Provided*, That any dutiable articles entered as settlers' effects may not be so entered unless brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada: *Provided also*, That, under regulations made by the comptroller of customs, live stock, when imported into Manitoba or the Northwest Territories by intending settler, shall be free until otherwise ordered by the governor in council.

Settlers arriving from the United States are allowed to enter duty free stock in the following proportions: One animal of neat stock or horses for each 10 acres of land purchased or otherwise secured under homestead entry, up to 160 acres, and one sheep for each acre so secured. Customs duties paid on animals brought in excess of this proportion will be refunded for the number applicable to an additional holding of 160 acres when taken up.

The settler will be required to fill up a form (which will be supplied him by the customs officer on application) giving description, value, etc., of the goods and articles he wishes to be allowed to bring in free of duty. He will also be required to take the following oath:

I, _____, do hereby solemnly make oath and say, that all the goods and articles hereinbefore mentioned are, to the best of my knowledge and belief, entitled to free entry as settlers' effects, under the tariff of duties of customs now in force, and all of them have been owned and in actual use by myself for at least six months before removal to Canada; and that none of the goods or articles shown in this entry have been imported as merchandise or for any use in manufacturing establishment, or for sale, and that I intend becoming a permanent settler within the Dominion of Canada.

Sworn before me at _____ day of _____, 190—.

The following oath shall be made by intending settlers when importing live stock into Manitoba or the Northwest Territories free of duty:

I, _____, do solemnly swear that I am now moving into Manitoba (or the Northwest Territories) with the intention of becoming a settler therein and that the live stock enumerated and described in the entry hereunto attached is intended for my own use on the farm which I am about to occupy (or cultivate) and not for sale or speculative purposes, nor for the use of any other person or persons whomsoever.

Quarantine of settlers' cattle.—Settlers' cattle, when accompanied by certificates of health, to be admitted without detention; when not so accompanied they must be inspected. Inspectors may subject any cattle showing symptoms of tuberculosis to the tuberculin test before allowing them to enter. Any cattle found tuberculous to be returned to the United States or killed without indemnity. Sheep for breeding and feeding purposes may be admitted subject to inspection at port of entry, and must be accompanied by a certificate, signed by a Government inspector, that sheep scab has not existed in the district in which they have been fed for six months preceding the date of importation. If disease is discovered to exist in them, they may be returned or slaughtered. Swine may be admitted, when forming part of settlers' effects, when accompanied by a certificate that swine plague or hog cholera has not existed in the district whence they came for six months preceding the date of shipment; when not accompanied by such certificate they must be subject to inspection at port of entry. If found diseased, to be slaughtered without compensation.

FREIGHT REGULATIONS.

A. Carload of settlers' effects, within the meaning of this tariff, may be made up of the following-described property for the benefit of actual settlers, viz: Live stock, any number up to but not exceeding ten head, all told, viz, horses, mules, cattle, calves, sheep, hogs; household goods and personal property (second hand); wagons or other vehicles, for personal use (second hand), farm machinery, implements, and tools (all second hand); lumber and shingles, which must not exceed 2,500 feet in all, or the equivalent thereof; or in lieu of, not in addition to, the lumber and shingles a portable house may be shipped; seed grain; small quantity of trees or shrubbery; small lot live poultry or pet animals; and sufficient feed for the live stock while on the journey.

B. Less than carloads will be understood to mean only household goods (second hand); wagons or other vehicles, for personal use (second hand); and second-hand farm machinery, implements, and tools. Less than carload lots should be plainly addressed.

C. Merchandise, such as groceries, provisions, hardware, etc., also implements, machinery, vehicles, etc., if new, will not be regarded as settlers' effects, and if shipped will be charged the company's regular classified tariff rates.

D. Should the allotted number of live stock be exceeded, the additional animals will be taken at the ordinary classified rates, over and above the carload rates for the settlers' effects, but the total charge for any one such car will not exceed the regular rate for a straight carload of live stock. (These ordinary tariff rates will be furnished by station agents on application.)

E. Passes.—One man will be passed free in charge of live stock when forming parts of carloads, to feed, water, and care for them in transit. Agents will use the usual form of live-stock contract.

F. Top loads.—Settlers are not permitted, under any circumstances, to load any article on the top of box or stock cars; such manner of loading is dangerous, and is absolutely forbidden.

G. Carloads will not be stopped at any point short of destination for the purpose or unloading part. The entire carload must go through to the station to which originally consigned.

H. Carload rates.—The rates shown in the column headed "Carloads" apply on any shipment occupying a car and weighing 24,000 pounds (12 tons) or less. If the carloads weigh over 24,000 pounds, the additional weight will be charged for at proportionate rates. (Example: \$205 "per car" is equivalent to 85¢ cents per hundred pounds, at which rate the additional weight would be charged.)

STOP-OVER PRIVILEGES.

Intending settlers are given the privilege of stopping over at stations where they wish to inspect land. Application should be made to the conductor before reaching station where stop-over is required.

FUEL FOR SETTLERS.

Any homesteader having no timber on his homestead may, on application to the local agent of Dominion lands, get a permit to cut what he requires for building material, fencing, and fuel for use on his homestead.

CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. I ask unanimous consent that the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, be now considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the consideration of the bill named by him.

Mr. GALLINGER. Mr. President, first, I ought to ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

The Senator from New Hampshire asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has heretofore been read as in Committee of the Whole.

Mr. GALLINGER. I offer a substitute for the bill, which I ask to have read.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment in the nature of a substitute for the bill, which will be read.

Mr. SPOONER. Will the Senator from New Hampshire kindly indicate to the Senate to what the bill relates?

Mr. GALLINGER. It provides for the extension of the street railway tracks to the Union Station, and the substitute which I have offered will be read.

The Secretary read the proposed substitute, as follows:

That the City and Suburban Railway of Washington be, and it hereby is, authorized and required to construct a double-track extension of its line from New Jersey avenue and C street NE, northeastwardly through reservation 77 to existing tracks along G street to North Capitol street, thence southwardly to Massachusetts avenue, thence eastwardly along Massachusetts avenue with such deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE, and at the northwest corner of Stanton square.

SEC. 2. That the Washington Railway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street NE, northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

Provided, That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Com-

pany, a corporation of the District of Columbia, shall not be terminated except by authority of Congress; and unless said Metropolitan Coach Company shall within one year after the passage of this act substitute motor vehicles, to be approved by the Commissioners of the District of Columbia, for the herds now used by it its right to operate its line shall cease and determine.

Provided further, That all transfers issued by the Metropolitan Coach Company shall be properly dated and punched as to time limit, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them. No transfer shall be issued on a transfer.

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue NE, northeastwardly along Delaware avenue to the plaza, connecting with the four tracks provided for in section 6 in front of the proposed Union Station, together with a double-track loop passing in front of the station on said plaza, and northwestwardly along Massachusetts avenue to North Capitol street, thence along North Capitol street to K street NW, over the existing tracks of the City and Suburban Railway of Washington, thence along K street to a junction with present tracks of the Capital Traction Company at Seventh and K streets NW.

SEC. 4. That the companies hereinbefore named be, and they hereby are, permitted to lay duct lines on such streets as may be necessary for the proper operation of their lines, the location of such duct lines to be approved by the Commissioners of the District of Columbia.

SEC. 5. That the construction of the aforesaid street railway lines shall be commenced within six months and completed within eighteen months from the date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

SEC. 6. That where the route or routes provided for in this act coincide with each other or with the route or routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties, and to fix the terms of the joint trackage: Provided, That there shall be at least two sets of double tracks immediately in front of the main entrance to the Union Station facing Massachusetts avenue, the most northerly rail being not more than 50 feet south of the said main entrance.

SEC. 7. That the railway companies affected by this act shall have over and respecting the routes herein provided for the same rights, powers, and privileges as they respectively have or hereafter may have by law over and respecting their other routes and shall be subject in respect thereto to all the other provisions of their charters and of law.

SEC. 8. That authority is hereby given the Commissioners of the District of Columbia to use all or such portions of reservation 77 as may, in their judgment, be necessary for sidewalks and roadways and for street-railway use.

SEC. 9. That whenever, in the construction of the new tracks herein authorized, the Commissioners of the District of Columbia deem it necessary, in order to reasonably accommodate vehicular traffic, to widen the roadway of any street or streets in which such track or tracks are to be laid the cost and expense of such widening, including the laying of new sidewalks, the adjustment of all underground construction, and of every public appurtenance, shall be borne by the said railway company, and the said railway company shall deposit with the collector of taxes of the District of Columbia the estimated cost of changing and widening the said street or streets, the work to be done by said Commissioners; and whenever, at any future time, the said Commissioners deem it necessary to widen the roadway of any street or streets occupied by the extensions herein authorized, said railway company shall bear one-half the cost of widening and improving such street or streets, to be collected in the same manner as the cost of laying or repairing pavement lying between the exterior rails of the tracks of said street railroad and for a distance of 2 feet exterior to such track or tracks is collectible under the provisions of section 5 of an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 10. That whenever, in the construction of any of the tracks herein authorized, it is necessary, in the opinion of the Commissioners, to improve, by paving or otherwise, the roadway of any street occupied by such track or tracks, said company shall adjust the grade of its tracks to the new grade of the street or streets, the cost thereof to be borne by said company in the same manner as the cost of paving between the exterior of the tracks of the street railroad companies, as referred to in the preceding section.

SEC. 11. That the arrangement of all tracks herein authorized within the lines of the plaza in front of the Union Railroad Station shall be in accordance with the plans approved by the Commissioners of the District of Columbia, and all work of constructing the extensions herein authorized shall be executed in accordance with plans to be approved by the Commissioners of the District of Columbia, and under a permit or permits by the said Commissioners.

SEC. 12. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. GALLINGER. Mr. President, it will be remembered that on two former occasions when this bill has been called up for consideration certain Senators made objection to it. The Senator from Montana [Mr. CARTER] insisted that there ought to be a provision in the bill for a transfer arrangement between the railroad company and the herdic line at Fifteenth and H streets. That has been cured by the insertion of a provision which is satisfactory to the Senator from Montana. So there is no further objection on that point.

Mr. SPOONER. That has been approved by the President?

Mr. GALLINGER. Probably so.

The Senator from Maine [Mr. HALE] and the Senator from Montana [Mr. CARTER] objected to the provision that contemplated a line from Florida avenue and Seventh street down New Jersey avenue to the Union Station, and the property owners and those who occupy houses on that avenue, I think mistakenly, signed a large petition by way of protest. That has been eliminated.

I desire to say that in the substitute I have offered the least

possible trackage construction has been provided for, and I think it is well enough for me to say that the Senator from Maine [Mr. HALE], who is greatly interested in all these projects, and is always helpful, has gone over the substitute with great particularity and approves of it.

Mr. President, I wish very briefly to explain precisely what the proposed substitute does. It provides the legislation, and no more, which is absolutely necessary to give the public comfortable access to the Union Station, now nearing completion and soon to be occupied and used.

By the first section of the substitute the City and Suburban Railway is required to extend its line from New Jersey avenue and G street along G street and North Capitol street past the Union Station to junctions with existing lines at Third and D streets NE. and at Stanton Square, thus giving the business and shopping districts direct communication with the station. This construction means in all about 4,300 feet of single track, the length of double track being less than seven city blocks.

Section 2 requires the Washington Railway and Electric Company to extend its line from Delaware avenue and C street NE. along Delaware avenue to the station front, connecting with the City and Suburban line authorized in the preceding section. This extension of 1,270 feet of single track will give a direct line to and from the Capitol, a little more than three blocks distant.

The amendment requiring transfers between the Washington Railway and Electric Company and the Metropolitan Coach Company explains itself, and is satisfactory to those who have advocated that arrangement.

Section 3 gives the Capital Traction Company rights on Delaware avenue from C street to the plaza and the station, so that the cars running on Pennsylvania avenue may have an absolutely necessary connection. This company's construction on the plaza means 570 feet of single track. Furthermore we provide facilities for the Capital Traction Company's passengers from the northern and northwestern portions of the city by requiring a deflection eastward at Seventh and K streets NW., continuing on K street to North Capitol street, and thence over the tracks of the City and Suburban Railway to the station plaza. The total length of these connections is 3,604 single-track feet, about seven blocks, and this eliminates the proposed occupancy of New Jersey avenue by railroad tracks, to which objection has been made.

Section 4 is essential and self-explanatory.

Section 5 sets the time limit; in some instances unnecessary, because the public demands and the natural desire of the companies to do business will hasten construction and operation, so that the margin allowed, while much shorter than is common in legislation, will surely be ample.

Section 6 is a safeguard of existing law, except in the proviso as to the number and location of tracks immediately in front of the main entrance to the station. The proviso is wholly in the interest of the traveling millions who will of necessity use the street cars.

Section 7 is essential and self-explanatory.

Section 8 gives the District Commissioners authority to remove an obstruction which would be a dangerous obstacle to traffic. It is deemed desirable by a number of Senators that the Massachusetts avenue western approach to the station be kept as clear as possible of car tracks and of all highway features likely to interfere with general traffic, which is accomplished.

The remaining sections place upon the railway companies whatever burdens may be by reason of the widening of roadways or changes of street grades, and give to the District Commissioners the necessary authority to supervise and approve all plans.

From the measure submitted everything has been eliminated as to which there could possibly be any controversy, leaving for future consideration other extensions deemed by some to be desirable. The railroad companies are not urging this measure, but the public interests require it, and the railroads can be depended upon to proceed energetically with construction.

The immediate necessity for haste is, however, with us and not with them. I have been informed that everything that can be done in advance of legislation has been done. Until there is a governing statute they can not order necessary steel, for until the new lines are authorized—by law and by the District Commissioners—no one knows how much of straight track and how much of curves, switches, crossings, crossovers, and other "special work" will be needed. The number of mills turning out this "special work" is very small—not more than three or four in the whole country—and these assert, so I am informed, that they can not guarantee delivery in less than three or four months. Allowing thirty days for construction and the time necessary for the preliminary engineering upon which all meas-

urements and orders must be based, we can not, if this bill is finally approved within a week, expect these lines to be in use much before December 1 of this year. Yet the Union Station will be doing more or less business within four months. In fact, the Baltimore and Ohio is now anxious to get in so that the deep and broad valley now occupied by its tracks may be filled and become, as it will, a large and important section of the plaza and its western and southwestern approaches.

Anyone can therefore see that however expeditious we may be in the matter of legislation, the traveling public must inevitably suffer great inconvenience for a considerable period. Some of us have seen it in sessions past and have striven to prevent such a condition. Prevention is now impossible, but by prompt action we can at least prevent the condition from becoming intolerable.

In view of these facts, I trust that amendments will not be pressed to the bill and that it may be at once passed by the Senate so that the other House may have an early opportunity to consider it.

With this brief statement, Mr. President, I submit the matter to the candid consideration of the Senate.

Mr. BURKETT. Mr. President, I desire to offer an amendment to the amendment.

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 3 the following:

Also a double-track extension of its lines, beginning at Florida avenue and Seventh street NW., southeasterly along Florida avenue to its intersection with east Eighth street, thence in a southerly direction along east Eighth street to its intersection with the said company's tracks at Pennsylvania avenue SE., also a double-track extension beginning at the intersection of Eighth and F streets NE., westwardly on said F street to the Union Station, there to connect by such route as may be approved by the Commissioners of the District of Columbia with the double-track loop hereinbefore mentioned.

Mr. GALLINGER. Mr. President, there is very serious objection to the amendment to the substitute.

Mr. BURKETT. Then I will explain it.

Mr. GALLINGER. I will give way to the Senator if he desires to make an explanation.

Mr. BURKETT. Mr. President, I will not take much time myself in making a statement, but I desire to have one or two letters read in connection with this matter.

The amendment is intended to take care of the great northeast section of the city which to-day is very inadequately supplied with street-car facilities. Anyone at all familiar with all the great northeast section of the city knows that it is practically impossible to reach that section of the city by street car. The matter of getting this very identical street car line as outlined in the amendment has been before Congress a great many years. To-day there is practically no objection to the amendment.

The citizens, I may say, so far as I can learn, are unanimously for it. The street car company, which it is provided shall build the line, has agreed to build it. It is ready to build it. The trouble comes, as I understand, and we may as well be plain about it, from the fact that the other street car company does not want this street car company to get into that section of the city. That is the only objection, and if it were not for that, as I think the chairman of the committee will agree, the amendment would go on without any objection.

The only reason why it was not put on is that it would raise some controversy on the part of the other street car company by their filing objections to it, and that sort of thing, and possibly delay the measure. But it occurs to me that the matter might just as well be ironed out now as at any other time. Here is a matter that has been pending a long time, and there are thousands of people in that section of the city who are walking and riding in herds and buggies and in every other way to get down into town, with no street car service, practically speaking. We are providing now for certain street car extensions by this very company, and it occurs to me that the Northeast Citizens' Association is right in its demands that now is the time when this extension should be authorized.

I will say that Doctor Gallaudet, of the Columbia Institution for the Deaf and Dumb, is very anxious about it, and he has written a letter which I will ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB,
KENDALL GREEN,
Washington, D. C., January 28, 1907.

Hon. ELMER J. BURKETT,
United States Senate.

DEAR SIR: The officers, students, and employees of this institution have learned with great interest of the amendment which you have pro-

posed in the Senate to Senate bill 6147, this amendment being understood to provide for the construction of a street railway along Florida avenue, passing in front of the grounds of this institution.

The residents of Kendall Green have been hoping for several years that their facilities for reaching the city by street cars might be improved. No street railway passes nearer to Kendall Green than four squares, and in unpleasant weather or in the heat of summer it is no small trial to be compelled to walk the distance of these squares in order to secure a ride in a street car. The proposed line will be most acceptable to the residents of Kendall Green and they earnestly hope that Congress will take action favorably upon this measure at its present session.

Very respectfully, yours,

E. M. GALLAUDET, President.

Mr. BURKETT. Mr. President, I should like to say before I have read the statement which I hold in my hand, as the question has been asked me privately, that the amendment contemplates the extension of the street car tracks that come down Florida avenue as far as Seventh street and then down Seventh street to Pennsylvania avenue. The amendment provides that they shall extend the tracks along Boundary street, or Florida avenue, over as far as Eighth street NE., then come down Eighth street to Pennsylvania avenue SE., with spur from Eighth street up to the new Union Station, giving the whole northeast section a direct line to the Union Station.

I now ask the Secretary to read a statement which was filed here with reference to this matter, covering the ground quite conclusively.

The VICE-PRESIDENT. The Secretary will read as requested, if there is no objection.

The Secretary read as follows:

[Memorial in support of the amendment to Senate bill No. 6147, entitled "A bill authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes."]

About ten years ago the residents in the vicinity of Florida avenue east of Seventh street NW. began to urge the extension of the U street line easterly along Florida avenue to North Capitol street, as provided in its charter. (Act of Apr. 30, 1892, 27 Stat. L., 23.) As this section of the city was at that time sparsely settled the street car company did not build east of Seventh street, except a short spur used for switching purposes.

During the winter of 1897 a petition signed by about 1,000 persons was presented to the railway company asking for the construction of the road as far east as North Capitol street, but as the authority had lapsed by nonuser, although the company was willing to construct the road, the Commissioners of the District declared they were without authority to grant the permit for such construction. During December, 1898, the company's power house at Fourteenth and E streets NW. was destroyed by fire. Since then the company has felt unable until very recently to build this extension.

In October, 1905, the company decided that if authority was obtained for the work it would build the extension along Florida avenue and Eighth street to Pennsylvania avenue SE., and so complete a cross-town car line which had been so earnestly urged for many years by the various citizens' organizations of the District. As soon as this decision became known petitions to Congress were circulated along Florida avenue and vicinity, and within a single week about 4,000 persons, patrons of street cars, signed the petitions asking Congress to authorize the desired extension. The petitions were signed by the residents on Florida avenue from Seventh street NW. to Kendall Green, at Eighth and Florida avenue NE., almost without an exception. These petitions and a large number of personal letters urging the extension were filed last winter with the District Committee through Senator HANSBROUGH, chairman of the subcommittee having the street car bills in charge.

PRESENT STATUS.

Senate bill 43, which was introduced at the request of the Capital Traction Company, contained a provision for the extension desired by the petitioners and the writers of the letters referred to. This bill was reported favorably, but some amendments relating to taxation were added which, after discussion, caused the bill to be recommitted by the Senate. Meanwhile Senate bill 6147 was introduced by Senator GALLINGER, which contained the street car extension formerly reported favorably by the committee, with the exception of the one along Florida avenue and Eighth street. This bill was reported back to the Senate in lieu of the one previously reported, and Senator HANSBROUGH at once offered several amendments to it, including the one providing for the Capital Traction extension herein referred to, with an extension along New Jersey avenue. The amendment now offered relates only to the extension along Florida avenue and leaves New Jersey avenue undisturbed.

Congress should authorize the extension of street car tracks along Florida avenue and Eighth street to Pennsylvania avenue SE., for the following reasons:

1. It will afford the patrons of the Capital Traction Company for one fare to approach the great terminal freight station and freight yards lying immediately north of Florida avenue NE., which can not be reached by this company without such extension.
2. It will afford convenient facilities for one fare to thousands of pupils residing in the territory served by the Capital Traction Company for reaching the Armstrong Manual Training High School, at Second and P streets NW., who can not now reach there without paying two car fares or being subjected to great exposure during inclement weather.
3. It will afford convenient facilities for one fare to thousands of pupils residing in the territory served by the Washington Railway and Electric Company for reaching the McKinley Manual Training and Central High schools without the payment of two fares or being subjected to exposure during inclement weather.
4. As the Central and the McKinley and Armstrong Manual Training High schools include about two-thirds of all high school students in the District not in the Business High School (which both the car lines now reach), the importance of reasons two and three will be at once seen.
5. It will afford reasonably direct and convenient street-car facilities for one fare for all navy-yard employees residing east of Seventh street and north of Pennsylvania avenue.
6. It will afford reasonably direct and convenient street-car facilities for one fare for fully one-third of the residents of Washington to reach

the Glenwood, Prospect Hill, St. Mary's, and Mount Olivet cemeteries, which many thousands are obliged to visit every year.

6. It will afford direct and convenient street-car facilities for Kendall Green, the only institution of its kind in the United States, with its large number of pupils and instructors, and many visitors, who are always embarrassed by the present lack of facilities to reach this famous Government institution.

7. It will afford the first and only real cross-town street-car line in the city, and the only north and south line east of the Capitol and north of Pennsylvania avenue. It is simply an extension of the same track in northeast Washington of the present north and south line in southeast Washington.

8. It will afford great convenience to from 35,000 to 50,000 people who must travel over three sides of a square to reach their destination on the other side of it. This applies with great force to persons residing in either north or east Washington who may wish to reach other places in those parts of the city. For example: A person residing on Twelfth, near H street NE., in order to reach any point on Twelfth street near East Capitol must travel west, then south to the East Capitol line, and then east to Twelfth street again, and pay two fares to reach his destination, while if physically able he can walk down Twelfth street in one-third of the time required to travel the three sides of the square. The same is true in going from any point in north Washington as, say, Park road to Eleventh street and Columbia road. Many other illustrations might be given for different parts of the city usually requiring two car fares.

9. This extension is asked for by every citizens' organization through whose territory it passes, and has been approved by the District Commissioners. It was also approved some years ago by the late Senator McMillan.

10. More than 95 per cent of the residents on Florida avenue along the proposed route have signed the petition asking for it. Consequently there is practically no opposition to it from residents along the line, as there has been for other proposed routes for a cross-town line.

11. Florida avenue is especially adapted for a cross-town line, by both geographical location and by its width, and is practically the only street that is so adapted.

12. The Washington Railway and Electric Company is opposing this grant, but has never offered to build a cross-town line in this vicinity. It now proposes a bus line as a substitute, which can in no sense be deemed commensurate with this great public demand, and which could have been put on without legislation at any time that suited the management, but has never been done.

13. This extension to North Capitol street provides a direct route for the Capital Traction Company to the Union Passenger Station by passing over the present tracks on North Capitol street, and thus will leave New Jersey avenue entirely undisturbed as a driveway, if Congress so desires.

14. We are authorized to say that the Capital Traction Company is ready now to build this extension if empowered to do so by Congress.

CONCLUSION.

As this extension will meet so great a public demand, as it has been indorsed by every citizens' organization affected by it, and as the company is ready to build it, why should it not be immediately authorized? This is the question now before Congress. We trust a law will be passed this session providing for the extension along Florida avenue and Eighth street, as above described, and thus meet the needs as well as the wishes of such a large number of the residents of and taxpayers in the District of Columbia.

Respectfully submitted,

A. R. SERVEN,

President North Capitol and Eckington Citizens' Association,

W. J. HUGHES,

Vice-President North Capitol and Eckington Citizens' Association.

Mr. GALLINGER. Mr. President, I had not before seen the document that has been read—Senate Document No. 190—and so am unable to determine the accuracy of the various statements that are made in it. My attention was called to one statement as it was being read, which certainly is not true so far as I am in possession of any information, and that is that the Washington Railway and Electric Company is opposing this grant. No man connected with that company has ever suggested to me anything concerning this proposed legislation.

Mr. President, the bill which is now under consideration has been before the Senate for a long time—since last June—and several attempts have been made to pass it, the chief objection being on the part of certain Senators that we were proposing extensions which were unnecessary because of their undue length. This amendment contemplates the construction of practically a new line of railway in the District of Columbia, and it seems to me a singular circumstance that the Senator from Nebraska, who is a member of the Committee on the District of Columbia, has not during the present Congress offered a bill which would in proper course of time come to that committee and receive the consideration of the committee.

Mr. BURKETT. Does the Senator want an answer? If so, I will give it to him.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. With pleasure.

Mr. BURKETT. I did not get the permission of the chairman of the committee until last week to introduce this amendment.

Mr. GALLINGER. Oh, Mr. President, no member of that committee ever gets the permission of the chairman to do anything. The Senator has the same right the chairman has to offer a bill and send it to the committee. If he had done so, it would have been sent to the Commissioners, and I have no

doubt if it had come back the Senator himself would have been made chairman of a subcommittee, if he desired it, to give it consideration.

Mr. BURKETT. I will say in seriousness that the matter was not presented to me until last week. I then carried it to the chairman of the committee, for whom every member of the committee has great respect, and asked permission, and obtained it from the committee at our last meeting, to offer it here. I did not want to do anything, I will say to the chairman, as he knows, without acting in harmony with his committee. The matter was not brought to my attention until last week.

Mr. GALLINGER. I have no doubt, and I will be entirely frank about this matter, that there ought to be some extension through that territory; there is need of it; but whether or not this amendment is a wise amendment I am utterly unable to say. It does this: It makes an extension from Seventh and Florida avenue NW. to east Eighth street and then to Pennsylvania avenue SE. of 3 miles and 360 feet of railroad track. It makes an extension on F street, a double track, on a street only 34 feet wide, of 2,800 feet, or over half a mile. So, if this amendment is adopted, on a bill which proposes to extend the tracks of existing street railways to the Union Station, we are going to charter the construction of 4 miles of street railway in the District of Columbia.

Mr. CULLOM. In addition?

Mr. GALLINGER. In addition. It is not wise legislation on this bill. It never has had the consideration of the chairman of the committee, certainly, and, I think, not of many members of the committee, before.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Certainly.

Mr. HANSBROUGH. Practically this same amendment offered by the Senator from Nebraska was contained in a bill which I had the honor to report to this body last winter. It was put into that bill after the most careful consideration and upon the petition of some 5,000 people in that section of the city.

I had the honor at that time to be chairman of the subcommittee on street railroads, and I gave it fullest consideration and so did other members of the subcommittee. The amendment, or what is offered now as an amendment, was placed in the bill that was reported out of the full committee at last winter's session of the Senate.

So, Mr. President, there has been notice of this amendment, and it has been before this body heretofore, and also before the Committee on the District of Columbia.

Mr. GALLINGER. Mr. President, the Senator is right, and he is wrong. The Senator knows the history of that proposed legislation, and I am not going to repeat it. It was reported by a majority of 1 when only half of the committee was present, and when there was an entire misunderstanding as to the nature of the bill.

Now, I say for myself, and I assume the responsibility and am willing to take it, that I have never been over a foot of this ground. I do not know whether these streets are proper streets on which to construct a street railway or not. Neither have I seen the numerous petitions the Senator from North Dakota speaks of. He may have them in his committee room; I have never seen them.

Mr. HANSBROUGH. They came through the Senate to the Committee on the District of Columbia, and were referred by that committee, I assume by the chairman of the committee, to the subcommittee on street railroads.

Mr. GALLINGER. Then I will take the responsibility of saying that I should like to see those 5,000 names to those petitions.

But I want to emphasize the fact that here it is proposed to construct 4 miles of new street railway in the District of Columbia on a bill that proposes to construct, I think, less than half a mile to get to the Union Station. Upon that statement I am ready to submit the matter to the Senate. If the Senate thinks this is a wise thing to do, of course the chairman of the committee will have to submit. But I think it is utterly unwise and that it ought not to be done. If a bill shall be offered in the Senate at the next session (it could not of course receive consideration in the few days that remain of this session) and is sent to the Committee on the District of Columbia proposing to construct a railway in the northeast section of the city, I will give my personal guaranty that it will have every proper consideration, and that if it is thought to be a wise measure we will then have this extension provided for.

Mr. DANIEL. Mr. President, I regret that we have not fuller information of this subject. It is one in which I have no

interest whatever except to respond to a request made to me by the Northeast Washington Citizens' Association through their president, Mr. Evan H. Tucker. I am not familiar with the subject myself, and had I received his letter earlier than this morning I would have taken occasion better to inform myself.

It seems, however, from what has been stated in the debate, that this matter has been for two sessions before Congress and that the members of the committee are fully able to enlighten the Senate about it. The chairman, who is generally exceedingly attentive to all business in his hands, to whom I have no sort of antagonism whatever, says he has not gone over the ground and does not know about it. The only opportunity for people who live a little aside from the main stream of things to get legislation is on occasions like this, when pertinent matters are being considered, or at least it is their best opportunity to get some attention.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. Certainly.

Mr. GALLINGER. The Senator suggests that this has been before Congress for two years. My impression is, and I think I am absolutely correct, that no bill has ever been offered in the Senate which proposed to build this extension.

Mr. DANIEL. I understood the Senator from North Dakota to say it was reported to the Senate as an amendment to a bill by the committee.

Mr. GALLINGER. It was.

Mr. DANIEL. It could not have been reported by the committee without the committee considering it, and it was, therefore, a matter duly submitted for the consideration of the committee, duly considered, and duly commended to this body, according to the statement of the Senator from North Dakota, now concurred in by the Senator from New Hampshire.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. DANIEL. I yield to the Senator.

Mr. GALLINGER. I will suggest to the Senator that that bill, immediately after being reported, was recommitted to the committee by a very large vote of the Senate.

Mr. DANIEL. Then the committee has had since the recommitment, when asked by the Senate to reconsider it, up to the present time. It has had two opportunities to consider this matter and report the pros and cons. I yield to the Senator from North Dakota for a question.

Mr. HANSBROUGH. I desire to say that two bills were referred to the subcommittee on street railroads at the last session of the Senate, which were, I think, introduced by the Senator from New Hampshire himself. I know, of course, that the Senator can not keep track of all those things, because he is a very busy Senator—one of the busiest Senators in this body—but, if I am not mistaken, one of those bills contained the provision which is now under discussion. It was not put in the bill as an amendment, according to my recollection. I think it was contained in one of the bills that was introduced in this body. I do not recall whether the Senator from New Hampshire introduced it or not, but I am quite sure that it came to the subcommittee in that form.

Mr. GALLINGER. I will say, if the Senator from Virginia will permit me—

Mr. DANIEL. Certainly.

Mr. GALLINGER. I will ascertain the fact about that. I think the Senator is mistaken.

Mr. HANSBROUGH. The fact can be ascertained. I may be wrong about it, but I think I am right.

Mr. DANIEL. I ask that the letter which I have in my hand may be read as a part of my remarks.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION,
Washington, D. C., January 29, 1907.

Hon. JOHN W. DANIEL.

DEAR SENATOR: In behalf of the people who I represent, who have been striving for fifteen years to secure legislation for a cross-town street-car line, I respectfully solicit your support for the inclosed amendment. The eastern section of the city, with a population of 75,000, has no north-and-south line whatever, while the western section has six such lines. The thousands of employees of the navy-yard are unable to ride to the northeast section without first going uptown and then paying another fare to go northeast.

Please pardon me for making this request, but as we citizens of the District have no voice in our government we are compelled to appeal to our lawmakers for needed legislation.

Yours, very truly,

EVAN H. TUCKER,
President Northeast Washington Citizens' Association.

Mr. DANIEL. Mr. President, I will only observe that a letter of that character, coming from so large and representative a body, appealing to such just considerations, is entitled to the fair and full consideration of this body when it passes upon this matter. I do not make any criticism of the committee. I know what immense business they have before them; I make no unpleasant animadversion whatsoever; but the fact is that this matter has not been sufficiently considered to fully enlighten our minds upon this subject.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. DANIEL. Certainly.

Mr. BURKETT. I should like to ask the Senator in just what particular he now wants information. There is not any question about this being a proper route, I will say, for the street car traffic. We know exactly the only objection there is to it and we know exactly who wants it. It has been before the committee, and after consideration by the subcommittee it was recommended to the full committee, and then by the committee recommended to this body, when there was some discussion on account of a taxation clause. I will say, and I think the chairman will bear me out in it, there was considerable time spent on the discussion of a provision for taxing the railroads, which was an amendment added to it, and after considerable discussion the chairman of the committee moved to recommit the bill and it went back. As I understood at that time, for nothing was said particularly about the other provision, it went back altogether for further investigation upon the taxation amendment proposed to the bill.

After it went back to the committee last June this bill was introduced as a substitute for the old original Senate bill 43, which contained this provision and which had been considered by the subcommittee and the committee. When the new bill was introduced it was referred to another subcommittee, I think, or at least it was brought before the committee by the chairman, and upon fair consideration they recommended that as a substitute. There is no question, I think, about this bill.

Mr. DANIEL. The committee recommended what as a substitute?

Mr. BURKETT. They recommended the bill which is now before us as a substitute.

Mr. DANIEL. Omitting the amendment?

Mr. BURKETT. Omitting the amendment. I may say to the Senator that the matter is entirely frank and fair between us, the chairman taking the position that it was better not to encumber this bill with that kind of an amendment. He said here a moment ago that it is a good proposition, probably, although he has not given it personally enough attention to indorse it, but that he does not want to encumber this bill. That is the whole difficulty. He does not want to encumber this bill. There has been sufficient investigation to know that this is a proper route as far back as Senator McMillan's time, I may say. This route around Florida avenue—the natural cross-town street over in this section of the country, to get a north and south line east of the Capitol—has been determined on for years. There is not a single foot of north and south line east of this Capitol in the city of Washington.

I say to the Senator I did not want it to go unchallenged that this matter had not been given any investigation. If there is any particular point that has not been covered in the Senator's mind or upon which he wishes information, perhaps some of the Senators who listened to the hearings can enlighten him.

Mr. DANIEL. The Senator is giving us information. He has just given us information that was not before the Senate. He states, for instance, what we are not informed of in any report and which I had not heard stated in any observation that had been made, that this is known and conceded to be a proper route for this railroad. May I ask the Senator, then, what is the objection to putting it in this bill, and how it would encumber the bill to do anything that everybody agrees in? What is the objection to it?

Mr. BURKETT. I will say to the Senator that so far as I am concerned in my judgment there is not any objection to it. I am advocating it. But there were some members of the committee who thought it would encumber this bill to attach to it the building of this additional track out there, as the Senator said; that it is a good deal of trackage; that there would be objection on the part of some other street car line to this company building the track, and it would raise discussion and dispute and possibly delay the bill, and possibly defeat the bill.

Mr. DANIEL. May I inquire if any company has objected to this before the District Committee?

Mr. BURKETT. So far as I know they have not, but there is running all through the thing a general feeling that the other

street car company, whatever its name may be, will object to this company building that car line.

Mr. DANIEL. Would this company object to the other company building that car line?

Mr. BURKETT. I am not advised. They have not the connection.

Mr. DANIEL. The Senator is not advised either way?

Mr. BURKETT. The other car line has not the connection, I will say, for Florida avenue. This is an extension of the existing Florida avenue line that runs from Eighteenth street clear down to Seventh street, and then turns down Seventh street, and it contemplates building all around Boundary street, Florida avenue. It is a proper line to build there. It is just a continuation of the present line.

Mr. DANIEL. Mr. President, I am not on the committee, and naturally I am not conversant with what may be the real or supposititious rivalries or competitions of the various companies. So far as we are informed, the Washington and Electric Company has made no objection—no official objection, at least—to this, and so far as we are informed this company has made no objection to the other company coming around that way if it chooses to do so. Some day Congress has got to decide this matter, if the people of the District who wish street car accommodations are going to get them.

Here is a statement undenied that 73,000 people in a large section have not the facilities which they should have for communication with this great city. Is there any difficulty about this company being able and ready to build this line? That is a question which it might be proper to ask. If we require them to do it, are they in a situation in which they can do it? All these questions naturally occur to one who is going into a case which he has not examined.

It is with great diffidence that I say anything, but I think these people ought to be heard, and I think it would be preferable, if agreeable to the Senator from New Hampshire, to have this amendment considered now, to have it considered at this session of Congress with reference to this bill, and to have a full report made to this body, so that it could form an intelligent and considerate judgment.

It seems that this very amendment once had the indorsement of the District Committee and reported it here; that it was referred back to the committee, and that it has been omitted from this bill, or left out in their consideration of this question, for fear that it might raise some trouble. Of course those unconversant with the hearings which they have had and the information which has been conveyed to them can not pass upon it with the intelligence or the fair regard for all considerations which they can, but that strikes me as being the best conclusion of the matter now. If the committee were to agree upon this bill, embrace this matter, and report it back, the probability is that the bill could be passed before the end of the present session.

The more we extend other accommodations to other railroads and to other interests the stronger they are to compete with any interest which might occupy a field on which they have their eyes for the future. It may be that it is a serious question whether the present railroad company, upon which this amendment would impose the duty of building this track, is strong enough to do it, and if that were true it would present a phase of the subject that would require at least very grave consideration.

I have stated, Mr. President, all I know about this subject, and I only did that at the instance of the letter which was addressed to me.

While we are upon the subject—

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. DANIEL. In a moment, with pleasure. I should like to inquire if this bill makes any charge upon the District of Columbia or upon the Government of the United States?

Mr. GALLINGER. Not at all, I will say to the Senator.

Mr. DANIEL. I thought not.

Mr. GALLINGER. Not at all.

Mr. DANIEL. I should like to make another inquiry, as to whether the subject of transfers is fairly and justly encompassed here?

Mr. GALLINGER. The committee has not taken that matter under consideration at all. That is one of the controverted questions that it will require a very considerable time to consider when it is properly before the committee. In reporting in favor of this extension we have not gone into extraneous matters, such as taxation, transfers, construction of new lines, and all those things. As chairman of the committee, I thought they were too serious to be taken up on a matter that was as urgent as this is in order to get these tracks extended to the Union

Station. I do not want to have the traveling public walking two or three squares after the station is opened.

Mr. DANIEL. Mr. President, it seems to me, as 73,000 people are walking 4 miles, some other people can wait and walk half a mile while the 73,000 are trying to get over 4 miles.

Mr. McCUMBER. Mr. President, I should like to get a little information on this subject. The first point on which I desire information is this: How is it that 70,000 people, who have been clamoring for these privileges for several years, have neglected to make their influence sufficiently and strongly felt to get a bill before Congress to be acted upon as an independent measure? Why has this matter been delayed until the closing days of a Congress with no bill having been introduced, and these people suffering for the lack of proper street railway facilities?

This bill, as I understand, was introduced for the sole object of connecting the present existing lines of street railway with the new railway station, and with no other object whatever. It was not intended to go into the subject of the proper place for locating new lines of street railway for the service of the people; and, therefore, anyone interested in a new line would naturally understand that this bill was hardly the appropriate place for legislation concerning it, and that it should not be attached to a bill having for its single object the connection of existing lines with the new station. That is something that I certainly can not understand.

The Senator from Nebraska [Mr. BURKETT] has also stated that the objection is an objection on the part of other street railways, so I wish the Senator would also inform us what that objection can be. What business is it of the other street railways, who are not furnishing service to this section of the District, that others might or might not go in there and give the service? If there is any objection of that kind, I think we are entitled to know exactly what it is.

I certainly am in favor of voting in some manner for proper service for every section of the District; but I do not understand how any company that is not furnishing these facilities can consistently object to some other company, that desires to do so, furnishing them; and if any one of the three or four Senators who have spoken on this subject can give us any light on either of those two propositions, I think we should all of us be glad to hear from him.

Mr. HANSBROUGH. Mr. President, in view of what my colleague [Mr. McCUMBER] has said, I think I ought to explain that the pending bill, as I understand, contains practically the provision contained in the amendment offered by the Senator from Nebraska [Mr. BURKETT]. The Senator from New Hampshire [Mr. GALLINGER], the chairman of the committee, has offered a substitute for that bill. That substitute does not provide for the street railway extension sought by the Senator from Nebraska. The bill which came from the committee last year contained this same provision. It was considered by the Committee on the District of Columbia, came here to the Senate, and, after some discussion, it was recommitted to the committee.

Mr. GALLINGER. If the Senator will permit me, I will simply say that the bill for which this is a substitute does not contain that provision.

Mr. HANSBROUGH. The bill for which the Senator from New Hampshire has offered a substitute, as I understood it, contained a provision of that kind.

Mr. GALLINGER. It does not, I will say to the Senator.

Mr. HANSBROUGH. Then it was in the bill of last winter. The provision which the Senator from Nebraska seeks to have incorporated in the Senator's substitute, was in the bill of last winter, was considered by the Committee on the District of Columbia, considered by the Senate, and recommitted to the committee. So that the Senate has had ample notice of this proposed extension.

One of the street railway systems here, as I understand, opposes the extension because it will get no advantage from it. The other street railway system seeks to make the extension because it would derive advantage from it.

Mr. McCUMBER. If my colleague will pardon me, I will ask what disadvantage will the other street railway companies incur?

Mr. HANSBROUGH. None whatever.

Mr. McCUMBER. Then, why should they oppose it because they get no advantage?

Mr. HANSBROUGH. If my colleague were on the Committee on the District of Columbia he would find many reasons why the street railway companies here oppose legislation which they do not want.

Mr. GALLINGER. If the Senator will permit me, I will say to him that neither of the railway companies nor any person connected with either railway company has ever spoken to me about this extension.

Mr. BURKETT. I would say to the Senator from North Dakota that the question has not been answered as to what this has to do with connecting with the new depot. It does connect with the new depot, and that is the reason why the amendment should be adopted here. It is proposed to run a line down Florida avenue to Eighth street, down Eighth street to F street, and thence to the depot. It does connect the eastern part of the city of Washington and provides the means for the people of that section to get to the terminal. That is why the amendment was offered.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. BURKETT].

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HANSBROUGH. Is the proposed substitute open to amendment now, Mr. President?

The VICE-PRESIDENT. It is open to amendment.

Mr. HANSBROUGH. Then I offer the amendment which I send to the desk, to be inserted after section 12.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. After section 12 it is proposed to insert as a new section the following:

SEC. 12. Every railway company now authorized by law, or which may hereafter be authorized by law, to operate cars on any of the streets, avenues, or highways of the District of Columbia, and all other public-service corporations of said District, including the Chesapeake and Potomac Telephone Company, Potomac Electric Lighting and Power Company, and the Washington Gas Light Company, shall annually pay to the collector of taxes of the District of Columbia, as a franchise tax, in addition to the taxes now imposed upon them by law, an amount equal to 12 per cent of their respective net earnings, which said net earnings shall be ascertained by deducting from their respective gross receipts from all sources only the current repairs and expenses for the same year, excluding interest, dividends, sinking fund, and enlargement of plant: *Provided*, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public-service corporations, and in making such appraisal the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisal: *Provided further*, That any of such corporations as may elect so to do may pay to the collector of taxes of the District of Columbia an amount equal to 11 per cent of said appraised value, as now provided for by law for general taxation of personal property in said District, which shall be in lieu of the 12 per cent per annum tax on net incomes; as above provided, and of the gross earnings tax now provided by law: *And provided further*, That the real estate of all said street railway companies in the District of Columbia shall be taxed as other real estate, but the tracks thereof shall not be taxed as real estate.

Mr. GALLINGER. Mr. President, I will ask the Senator from North Dakota whether he desires to speak to his amendment.

Mr. HANSBROUGH. I do not care to speak at length on the amendment, because a similar amendment was in the bill of last winter and was discussed in the Senate on two or three occasions prior to the recommittal of the bill to the Committee on the District of Columbia. Unless Senators desire some information on the subject I do not care to debate it.

I will say, however, that I think the provision is a very just one. It is the result of very deep research on my part and on the part of at least one other person who is connected with the Government in this Capitol, who is a very accurate and thorough mathematician. He went into this subject as thoroughly as was possible and worked at it many days. I am satisfied that the provision is a just one and that it ought to be incorporated in this bill.

Mr. HALE. Would the Senator object to an amendment to his amendment providing for a general income tax throughout the United States?

Mr. HANSBROUGH. Mr. President, a general income tax is an altogether different branch of legislation, as it seems to me, and raises an entirely different question.

Mr. HALE. I think it does, but I think it would be equally germane to offer that as to offer the amendment which the Senator has proposed.

Mr. HANSBROUGH. Does the Senator from Maine pretend to say that an amendment to this bill providing for a right of way for street railroads in Washington is not germane which provides for the taxation of those railroads? And does the Senator from Maine pretend to say that an income-tax amendment would be germane? The Senator is very unhappy in his simile, if I am not mistaken.

Mr. HALE. I suppose the bill in charge of the Senator from New Hampshire has a single object, and that is to adapt the present railway system in the District to communication with the new station—something in which everybody is interested. It does not involve the gas company, nor the electric-light com-

pany, nor the telephone company, nor income taxes of any kind upon them. I should say that the wisest thing is to confine the bill to the object sought by the committee and to perfect it on those lines.

When the Senator offers an amendment of the kind he has offered he opens every question which is not involved in the original bill. I do not suppose that we will add to the bill a provision for a general income tax throughout the country; but if we should do so, I do not think the departure from the original bill would be any greater than the adoption of the amendment offered by the Senator would be an innovation on the original bill. I do not offer the amendment. I only made the suggestion to the Senator.

Mr. GALLINGER. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to lay the amendment on the table. [Putting the question.] The "ayes" seem to have it. The "ayes" have it; and the motion is agreed to. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire [Mr. GALLINGER].

Mr. DANIEL. Mr. President, I ask for the yeas and nays on the motion to lay the amendment of the Senator from North Dakota on the table.

The VICE-PRESIDENT. The Senator from Virginia demands the yeas and nays on the motion to lay the amendment on the table.

Mr. BACON. I ask that the amendment be again read. I was out of the Chamber temporarily.

The VICE-PRESIDENT. The Secretary will read the amendment, at the request of the Senator from Georgia.

Mr. GALLINGER. Mr. President, I do not want to be factious about this matter, but it occurs to me that the demand for the yeas and nays came too late. The Chair had made a declaration and then proceeded to put another question to the Senate.

The VICE-PRESIDENT. If the point is raised, the Chair will be compelled to hold that the demand came after the decision, and the Senate had proceeded to other business.

Mr. GALLINGER. I do make the point, Mr. President.

Mr. HANSBROUGH. I ask the Senator from New Hampshire to withdraw his motion to lay on the table, so that we may vote directly on the proposition.

Mr. GALLINGER. I ask that the question be put.

The VICE-PRESIDENT. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Is there objection to concurring in the amendment made as in Committee of the Whole?

Mr. DUBOIS. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. To the amendment that was agreed to as in Committee of the Whole?

Mr. DUBOIS. Yes; it is to come in before section 8. It can be called "section 7½."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section, to be known as "section 7½," the following:

That all street railway companies within the District of Columbia, both now and hereafter to be chartered by Congress, shall receive and exchange tickets with each other, and shall also give to passengers free transfers which shall be received by all street railway companies at one intersection and connection with all other street railway lines; and also give to and receive from each passenger paying one cash fare of 5 cents a free transfer good for more than one exchange at one intersection, and good continuously at all intersections with all street railways and from intersection to intersection, within the said District of Columbia; but transfers on tickets or cash fares shall not be good for a round trip.

And every officer or agent of any street railway company and every street railway company, for every violation of the provisions of this section, shall be punished by a fine of not more than \$10 by the police court of the District of Columbia on prosecution by information brought by the corporation counsel or any of his assistants, and any person or corporation interested shall have the right to apply to the supreme court of the District of Columbia for a mandamus to enforce the free transfers by this act provided.

Mr. DUBOIS. Mr. President, that amendment was considered by the subcommittee of the Committee on the District of Columbia. I was a member of that subcommittee, and it was unanimously agreed to. My recollection is that it was also unanimously agreed to by the full committee. It seems to me to be a very proper provision and one that ought to be put on this bill.

We are legislating in the interests of the street railway companies, and, in my opinion, the amendment is germane. We are giving them additional facilities, and I think everyone knows that the facilities which they give the public are very inadequate.

I do not know of any street railway lines in the country that are less adequate than those in Washington. There ought to be some time and some place where we can legislate a little in the interests of the Washington public, and I do not believe there can be any proper objection to this amendment providing for transfers being incorporated in the pending bill.

Mr. GALLINGER. Mr. President, the Senator from Idaho [Mr. DUBOIS] is quite mistaken when he suggests that the full committee approved this provision.

The Senator's amendment is foreign to the bill; it has no relevancy to it whatever. It is a question that may properly be considered at some time by the committee, if a bill shall be offered; but I do hope that no serious effort will be made to encumber the pending bill with a provision of that kind.

It has become the fashion of late to decry the street railway service of Washington. I do not agree at all with the gentlemen who make those criticisms. I believe we have got the best street railway system here that there is in this country, if not in the world, and any proper effort that is made to improve it will certainly receive my cordial cooperation.

The matter of universal transfers is one that is not to be determined off-hand. I have said once or twice before what I am going to repeat, notwithstanding I know that certain Senators have passed it off with a wave of the hand, that this is the only city, so far as I know—I believe there is one other in the country, though I have forgotten which one it is—that requires the street railways to sell six tickets for 25 cents. The difference between the straight 5-cent fare, which I pay in Boston, New York, Baltimore, Philadelphia, and other cities, and six tickets for 25 cents in Washington is over \$400,000 a year, which goes into the pockets of the people of the District of Columbia and the people who visit this capital.

Now, to place another burden upon the street railway companies without any investigation, without any hearing, to my mind is not the right thing to do. So I move to lay the amendment on the table.

Mr. PATTERSON. Mr. President, I ask the Senator from New Hampshire to withhold that motion until I make a statement.

Mr. GALLINGER. Certainly.

Mr. PATTERSON. I do not want the statement made by the Senator from New Hampshire to go unchallenged that this and one other city are the only cities in the United States in which six fares are sold for a quarter. In the city of Cleveland, thanks to Tom Johnson, the street railway company has voluntarily reduced fares to 3½ cents, with transfers at nearly all of their cross lines.

Mr. GALLINGER. Not all of them.

Mr. PATTERSON. In Detroit about one-half of the street railways of that city charge but 3-cent fares, and lately, at the last election, the street railway company that had been charging 5 cents and that owned practically the entire street railway system of Detroit, asked for a franchise in which it proposed that for six hours in each twenty-four tickets at the rate of eight for 25 cents should be sold—that is, should be sold and used for six hours of the twenty-four, and that during all the rest of the day the tickets bought at the rate of six for 25 cents should be used. I am not certain, Mr. President, but that in several other cities the six-for-a-quarter ticket system prevails.

Mr. GALLINGER. If the Senator will permit me, I think he will search in vain for those several other cities. I should like to ask the Senator if this proposed innovation in the city of Detroit was not submitted to a popular vote, and was voted down two to one?

Mr. PATTERSON. Yes; and I will state what that meant, Mr. President. There is a fight being made in the city of Detroit for a flat 3-cent fare, good for twenty-four hours in each day, and the street railway company, to combat that, to overcome it, and to settle the controversy, made the proposition to sell eight tickets for a quarter, good for six hours a day, to be used by men and women going to and from their work, and six tickets for a quarter to be used during the rest of the twenty-four hours. The people who are demanding a universal 3-cent fare voted down by a very large majority this very generous proposition upon the part of the street railway company in Detroit.

It was not because the people of Detroit were unwilling to receive such reductions in fare as the railway company voluntarily offered, but because the people of Detroit realized that even such rates are too high, in view of the enormous profits the railway companies in such cities as Detroit are making all over the country.

Mr. GALLINGER. Mr. President, the Senator is not as accurate as he usually is. They did not vote it down upon any such ground. I have sent for a letter from the mayor of Detroit

which I have in my committee room and which I think can be found. I will read that letter and show the Senator that the people of Detroit voted it down upon an entirely different ground.

Mr. PATTERSON. Mr. President, my statement was made upon the basis of the Associated Press dispatch that was sent from Detroit giving the result of the city election, the election being held upon the same day that the regular State election was held. I am also inclined to think that the same mayor was overwhelmingly defeated in the city of Detroit because he stood for the propositions advanced by the railway companies and opposed the attitude that was taken by the mass of the people.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. Did I understand the Senator to say that the people of Detroit voted down the proposition to reduce the fare on the street railways because it did not reduce them enough?

Mr. PATTERSON. Yes, sir.

Mr. GALLINGER. They were unwilling to take a reduction and so voted?

Mr. PATTERSON. They have got a fight on. The franchises, Mr. President, of the street railway companies of Detroit are about expiring, and the people of Detroit are determined that they shall have something to say as to the provisions of the franchises when they are renewed or extended, and they did not propose, and they do not propose, as the people of no city should be willing to admit, that the street railway companies alone shall be consulted in determining what they shall charge the traveling public for riding.

Mr. GALLINGER. Of course we all agree with the Senator on that point.

Mr. PATTERSON. Yes; and I have never before heard controverted the statement that that was the real issue in the recent election between the people of Detroit and the street railway companies.

Now, Mr. President, I want to say a word with reference to the boast made by the Senator from New Hampshire about the magnificent service of the street railways of the city of Washington. I do not know much about any other line except the line that I have ridden on for two or three winters, and that is the Connecticut avenue line; but I want to say that such a service as that is an outrage. In the mornings and in the evenings, time and time and time again, I have ridden on the cars of that line. I counted upon one occasion seventeen people standing on the front platform and nearly a like number standing on the rear platform, and the interior was crowded as would have been a cattle car before Congress undertook to legislate upon that subject. It seemed to me that if there ever was a city in which the antistrap hangers' association should be organized—the fundamental doctrine of which is that unless a passenger upon a street car can get a seat he will pay no fare—it ought to be organized in the city of Washington.

The cars are good, Mr. President. There is no complaint to be made about the cars that are furnished, and I suppose that the fact that they are operated by underground electric lines is very much to the credit of Congress and very much to the credit of the railway companies.

Mr. GALLINGER. I should think the Senator ought to take that into account.

Mr. PATTERSON. But I want to say that they do not commence to furnish the service that the traveling public of Washington is entitled to receive. But, then, this is the history of the dealings of the municipal corporations, as a rule, with the people of all the cities of the country. Until the body possessing the legislative power, whether it be a State legislature or Congress or a city council, shall be controlled and governed by the interests of the people, and not by the interests of the railway companies, we are going to continue to have these impositions placed upon city travel that we find existing in every city of any size in the country.

I have no disposition to interfere with this particular bill, but I do not want statements that will affect controversies of this kind in the future and in other localities to go unchallenged.

Mr. GALLINGER. Mr. President, I desire to read the letter I alluded to a moment ago. It is from Hon. George P. Codd, mayor of the city of Detroit, and dated December 10, 1906:

Replying to your letter of the 7th instant relative to the sale of street car tickets in Detroit, would say that for about fifteen days prior to our last election (November 6) the Detroit United Railway, owner and operator of all of our city railway lines, placed on sale in its cars industrial tickets, so called, ten for 25 cents, the same to be used between the hours of 5.30 and 8 a. m. and 4.30 and 6.30 p. m.; at other hours tickets to be sold six for 25 cents were available; single cash fare, as at present, 5 cents.

These fares were in accordance with the provisions of an ordinance prepared by the mayor, submitted by him to the common council, and in turn to the electors for their approval at the election heretofore mentioned. The ordinance was defeated by a vote of approximately 20,000 to 10,000.

I would say in this connection that the rates of fare paid under the existing franchise held by the company are, for about 40 per cent of the track mileage, between the hours of 6 a. m. and 7.30 p. m., eight tickets for 25 cents; during the remainder of the day, six tickets for 25 cents; single fare, 5 cents. For all of the remainder of the lines, which include all the principal streets of the city, the fare is straight 5 cents, with no tickets except between the hours of 5 a. m. and 6.30 a. m. and 4.45 p. m. and 5.45 p. m., when so-called "workingmen's tickets," eight for 25 cents, are accepted for fare.

It seems that most of the lines in Detroit are at present getting a straight 5-cent fare, which is a very different proposition even from six tickets for 25 cents. According to my information, Detroit, after a trial for a short time, went back to the 5-cent fare, or at least practically so, although they have for an hour or two in the morning and evening workingmen's tickets at a lower rate.

I meant when I was on my feet to say that it does make a very great difference whether we have overhead wires in our streets, as they have in most other cities, or this magnificent underground system, which costs approximately three times as much. I repeat that while there are strap hangers in Washington, as there are in Boston and in every other city, and always will be as long as street railways are run, in my judgment we have the best street railway system in Washington that there is in the United States. That is my opinion, and I have ridden on them all.

Mr. PATTERSON. The letter of the mayor of Detroit does not controvert the statement I made and which the Senator from New Hampshire intended to controvert. I think he discovers on reading the letter that my position is exactly correct. The letter does not give the reason for defeating the ordinance presented to the people of Detroit by the mayor of Detroit, which provided for eight tickets for a quarter during six hours, or practically a 3-cent fare, for the benefit of workingmen and working women, and six tickets for a quarter during the rest of the twenty-four hours. The people of Detroit voted that proposition down, although it had been put into practical effect by the company in order that the voters of Detroit might have knowledge of what it meant to them. They voted it down by two to one, and, as I stated, the reason they voted it down is because they are struggling in Detroit, as Tom Johnson is struggling in Cleveland, for a 3-cent fare straight. Tom Johnson has about won out.

With reference to the history of the street railway struggle in Detroit let me say this: According to the letter of the mayor, 40 per cent of the street railways in Detroit give ten tickets for a quarter.

Mr. GALLINGER. No.

Mr. PATTERSON. Then eight. Let me have the letter.

Mr. GALLINGER. Certainly.

Mr. PATTERSON. The mayor says:

Replying to your letter of the 7th instant, relative to the sale of street-car tickets in Detroit, would say that for about fifteen days prior to our last election (November 6) the Detroit United Railway, owner and operator of all of our city railway lines, placed on sale in its cars industrial tickets, so called, ten for 25 cents, the same to be used between the hours of 5.30 and 8 a. m. and 4.30 and 6.30 p. m.; at other hours tickets to be sold six for 25 cents were available; single cash fare, as at present, 5 cents.

These fares were in accordance with the provisions of an ordinance prepared by the mayor, submitted by him to the common council and, in turn, to the electors for their approval at the election heretofore mentioned. The ordinance was defeated by a vote of approximately 20,000 to 10,000.

Now, what do we find there? A voluntary offer by the street railway company of Detroit—

Mr. GALLINGER. No.

Mr. PATTERSON. It must have been, because the street railway companies put these tickets on sale ten for a quarter for fifteen days before election, voluntarily and not as the result of any ordinance.

Mr. GALLINGER. It was in obedience to an ordinance, as the Senator will see, if he will read the letter.

Mr. PATTERSON. No.

Mr. GALLINGER. Oh, yes.

Mr. PATTERSON. They submitted an ordinance making that arrangement permanent, but the railway company had experimented before the election with tickets—ten for a quarter or 2½ cents a ride for six hours of the day, three in the morning and three in the afternoon—in order to bait the voting public to accepting that proposition.

Mr. GALLINGER. Not quite six hours, I will say to the Senator.

Mr. PATTERSON. Six for a quarter, to be used during the rest of the twenty-four hours; ten for a quarter, to be used for six hours. The people of Detroit voted it down because, as I

have said, they are fighting for a straight 3-cent fare, and they know they are going to get it. The mayor says further:

I would say, in this connection, that the rates of fare paid, under the existing franchise held by the company, are for about 40 per cent of the track mileage between the hours of 6 a. m. and 7.30 p. m. eight tickets for 25 cents; during the remainder of the day, six tickets for 25 cents; single fare, 5 cents. For all of the remainder of the lines, which include all the principal streets of the city, the fare is straight 5 cents, with no tickets, except between the hours of 5 a. m. and 6.30 a. m. and 4.45 p. m. and 5.45 p. m., when so-called "workingmen's" tickets, eight for 25 cents, are accepted for fare.

Mr. GALLINGER. Will the Senator permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. I suggest to him that the straight 5-cent fare on the remainder of the lines makes a great deal more difference than the small fare during those few hours.

Mr. PATTERSON. That is the condition existing in Detroit.

Mr. GALLINGER. Yes.

Mr. PATTERSON. It is from that condition that the railway company of Detroit desired voluntarily to depart, to eliminate all 5-cent fares practically, because when the people can get six tickets for a quarter and ten tickets for a quarter, only those who do not happen to have a quarter to buy tickets are going to pay 5 cents for a ride. The railway company would continue the old 5 cents' extortion were it not for the fact that the people of Detroit have been educated to the meaning of the extortion as it is practiced there and practiced in nearly every other city of the country by the street-railway companies—the same extortion that was practiced in Cleveland until Tom Johnson became its mayor, and he has at last succeeded practically in eliminating it, as the result of a six years' hard, consistent, and persistent fight. In my opinion Washington, next to Denver, is the best street railway city in the world, and if there is any city in the world in which a 3-cent fare could be given to the traveling public with a good profit, it is the city of Washington.

I was heartily in favor of the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH] providing for the payment, in lieu of the tax on gross receipts, of one and one-half per cent of the assessed valuation of their property as that value may be discovered. But I realized that it was idle to make a struggle for that now, and I also realize the force of the suggestion made by the Senator from New Hampshire that to a certain extent it was not germane. But, in view of the statement made by the Senator from New Hampshire, I wanted these facts to be brought out clearly and explicitly, because this fight is going to come on in Washington some day and not very far in the future, as it will come on in every other city of magnitude in the United States; and it is going to be with the street railways as it is going to be with the great railroads of the country, that they will either do the right thing by the traveling public or the cities themselves will own and operate the lines and do what is being done in Great Britain and France and Germany and Spain—give the traveling public not 3-cent fares, or 21-cent fares, but 1-cent and 2-cent fares, in proportion to the distance traveled.

Mr. GALLINGER. Mr. President, a single observation. It has been stated that it is proper to load down this bill with extraneous matter for the reason that we are in this legislation granting favors to the street railways. That is not correct. The street railways, when they get to the Union Station, will probably not get a single passenger more in a month than they get in going to the two stations under existing arrangements. We compel them to change and extend their tracks at an expenditure, I judge, of about a half a million dollars, for which they will get no return.

The matter of transfers is a very serious one, Mr. President. We will take the Washington Electric Company for an illustration. It is composed of thirteen different companies, I believe, ten or eleven of which were bankrupt a few years ago. They were consolidated, and money was obtained in New York to finance them. If the Senator will look at the market reports to-day, he will find that their 4 per cent bonds are selling at 85½, and their stock is way below par. Now, that company will doubtless be a profitable company some time in the future. I have no doubt of it. I think they have a splendid chance to develop in the city of Washington and to make some money. They are not making it now. It does seem to me that it would be unwise to impose this additional burden upon that corporation, comprising thirteen street railways, consolidated now, financed by foreign money, paying no dividends on their common stock, their 4 per cent bonds selling at 85½, or thereabout, when we, in the little State of New Hampshire, sell our 3½ per cent city bonds above par.

I move to lay the amendment on the table.

Mr. HANSBROUGH. I hope the Senator from New Hamp-

shire will withdraw his motion, so that I may offer just a few words.

Mr. GALLINGER. I withdraw it if the Senator wishes to speak briefly.

Mr. HANSBROUGH. Mr. President, if the local press is to be relied upon there is a statute requiring these street railway companies to exchange transfers in accordance with the provisions of the amendment offered by the Senator from Idaho [Mr. DUBOIS]. I myself have not had the opportunity to look up the statute, for I have not had the time. But I have seen it stated in at least two of the newspapers of this city, and have not seen it denied, that there now is a statute compelling a free exchange of transfers, but that Congress, when it enacted that statute, neglected to put a penalty clause therein, and so the street railway companies have refused to obey it simply because there is not a clause in connection therewith under which they might be prosecuted and fined. I do not vouch for this at all, but I give it as I have read it in the newspapers.

Mr. GALLINGER. I will suggest to the Senator that I believe when a street railway called the "Capital Railway Company" was chartered, which was a little sore-thumb line across the river here somewhere about half a mile in length, a provision requiring transfers between that company and one of the existing lines in the District was put in the charter. I do not suppose anybody on earth noticed it, as the company which had that provision in its charter went out of existence in a little while. The provision was not for universal transfers by any means. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, to lay on the table the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," which was, on page 2, line 22, to strike out all after "in" down to and including "securities," line 24, and insert:

bonds of the United States, or of the District of Columbia, in first-class State or municipal securities; in first mortgages or first deeds of trust on real estate not exceeding 60 per cent of the value of such real estate or in the first mortgage bonds of any railroad corporation, which has for five consecutive years immediately preceding such investment paid dividends on its common stock.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

IMPERIAL VALLEY AND COLORADO RIVER IRRIGATION PROJECTS.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation with an amendment to strike out all after the enacting clause and insert:

That the sum of \$2,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to survey, examine, and acquire necessary rights and property, and to construct and maintain such works as may be necessary to strengthen and protect the banks of the Colorado River, and confine its waters within the same, and to prevent the overflow thereof, and in connection with such embankments and works to construct such reservoirs, headworks, canals, and waterways as may be requisite in connection therewith for the irrigation of lands in the Imperial and other valleys adjacent to said Colorado River: *Provided*, That if, in the construction and maintenance of such works, it is found necessary to enter the Republic of Mexico, authority so to do is hereby granted when the Republic of Mexico shall have formally consented to the construction, maintenance, and operation of said works within its territory: *And provided further*, That such portion of the money hereby appropriated as the President of the United States may deem equitable may be paid to reimburse private parties for money actually expended subsequent to December 20, 1906, in repairing the banks of said river so as to successfully prevent overflow thereof into the Imperial Valley.

SEC. 2. That such portion of the cost of the works and maintenance of same provided for in the foregoing section as the Secretary of the Interior may determine to be of direct benefit to any irrigation project shall be by him equitably apportioned to such project as a part of the original cost thereof under the provisions of the act of Congress approved June 17, 1902, and acts amendatory thereof. The amount so apportioned shall be assessed against the lands benefited in conformity with the provisions of said acts, and shall be repaid to the Treasury as collected from the water users under the provisions thereof.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. KEAN. I desire to ask the Senator from California when he expects the \$2,000,000 to be returned?

Mr. FLINT. I expect the \$2,000,000 to be returned at the end of ten years from the time the work is commenced under the terms of the bill.

Mr. KEAN. The people have already paid for this land, have they not?

Mr. FLINT. No; the land is all practically public land of the United States.

Mr. KEAN. But it has been assessed once?

Mr. FLINT. They have paid a water tax to a private corporation; none to the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANAGEMENT OF PANAMA RAILROAD.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 6539) to control the direction and management of the Panama Railroad.

Mr. HEYBURN. I call for the regular order. Then I will be willing to yield to the Senator from South Dakota.

Mr. KITTREDGE. I suggest that this bill be permitted to pass, and then the Senator from Idaho can call for the regular order.

The VICE-PRESIDENT. The Senator from Idaho calls for the regular order.

Mr. HEYBURN. I withdraw the call if this is a bill which it will take but a moment to pass.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of the bill indicated by him, which will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that the Panama Railroad and all the property and rights thereof, or appurtenant thereto, shall be placed in the charge of the Isthmian Canal Commission, to be managed, used, controlled, and accounted for by the Commission, under the direction of the President of the United States, as other property of the United States connected with the Isthmian Canal is controlled, managed, directed, and accounted for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF LAND PATENTS.

Mr. HEYBURN. I call for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Idaho calls for the regular order. It will be stated.

The Secretary read the resolution submitted by Mr. CARTER on the 9th instant, as follows:

Resolved, That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

Mr. HEYBURN. Mr. President, it is not my intention at this late hour of the day to do more than to present some preliminary remarks upon the pending resolution. I desire to consider it briefly from the standpoint of the President's message, which advises us officially of the order that has been discussed by the Senator from Montana [Mr. CARTER] to-day. I refer to the President's message of December 17, in which he advises us, among other things, that he has issued an Executive order directing "the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist." That is the complete sentence, which it coupled with others.

I call attention to the fact that Congress has provided by law when and under what conditions a patent shall issue for public lands, and that this is a declaration by the President that he has instructed one of his Cabinet officers to stay the operation of the law of Congress. The United States Supreme Court, as early as 1801, was called upon to pass on the power of the President to make such an Executive order. Congress, at its

first session, enacted a law imposing a certain duty upon the Secretary of the Treasury of the United States. It became the duty of the Secretary of the Treasury, upon the happening of certain things, to execute an instrument, to place the seal of the Government upon it. The President of the United States directed him not to do it for reasons that are set forth in the opinion of the Supreme Court. The question came squarely before the Supreme Court of the United States whether the President could suspend either the execution or the operation of a law merely because the officer directly intrusted with the execution of the law happened to be a member of the President's executive council.

It was undertaken to sustain the act of the President upon the ground that the Secretary of the Treasury, being merely the agent or representative of the President in the execution of the law, the President's command was supreme, and that he had a right to stay his own hand; consequently he had a right to stay that of a Cabinet officer. *The Supreme Court held that when Congress enacted a statute upon a subject, it was from that time on beyond the power of the President to stay the hand of the official to whom Congress delegated the duty of putting the law into execution.*

The case came up again about 1825, and the United States Supreme Court reaffirmed the doctrine of the case, which is reported in 1 Cranch, decided in 1801.

Mr. SPOONER. What is the title of the case?

Mr. HEYBURN. The case in Cranch is *Marbury v. Madison*. The other is the case of *Kendall v. The United States*, in 12 Peters.

I would refer to them more in detail, but I think that at least at this late hour it will be sufficient for the purpose to merely state the force and effect of the decisions.

Now, a question is presented to the Senate by a message from the President in which he recites the act. It is not a question to be proven outside of the record at all. He tells us officially that he has made this order and directed the Secretary of the Interior not to execute the existing land laws, because the refusal to issue the patent is equivalent to a refusal to execute any of the preliminary steps that lead up to a patent, for they are futile except that they result in the issuance of a patent. So the Executive order has practically stayed the hand of every homesteader, of every person claiming title to land under any public-land act.

LEGAL PHASE OF THE PRESIDENT'S MESSAGE FIRST.

It was stated by the Senator from Montana to-day that a subsequent order had relaxed this rule as it affected mining claims. I have not had that subsequent order called to my attention. I will examine it between now and the time when I resume the consideration of this question. But I present this legal phase of the President's message first, and with the indulgence of the Senate I will take up each provision of the message, because it is on the table and it is germane to the resolution offered by the Senator from Montana.

I desire to say, Mr. President and Senators, that no question before Congress at this or any other session involves in a larger measure the interests of the people, either as that interest affects their happiness and prosperity or as measured in dollars and cents. The value of the public lands of the United States against which the rights of the settlers are stayed by this order represents hundreds of millions of dollars. The force and effect of this order is directed against our own citizens at home. It is directed against those who are living in that western country to-day, and it is directed against the surplus population of the East, to whom that land is the only land and the best land of promise in the world to-day. It is the land to which the sons of our ancestors went and bettered themselves because of the opportunities that that new frontier offered to them. It affects us. It affects the people of New England and of the Middle States and of the Southern States as much as it affects the people who are living there waiting for the right to resume their efforts to secure a home, because every day every train that goes to the West bears away from this eastern country men who go there for the purpose of taking advantage of those great natural resources.

The march has been unbroken since the earliest settlement on the banks of the Delaware and the Hudson and upon the bays of Massachusetts and the rivers of Virginia. When our ancestors landed upon these shores they started westward almost with the same impulse. I was reading the other day of the conditions that presented themselves to the pioneers who landed at the various points, and the author—and it was a very old work, and a very creditable one—said that the country from Massachusetts to North Carolina was practically one solid dense woodland, that the great majority of it was covered with forests, some of it valuable and some of it of no value.

We are too apt to think that these beautifully cleared and cultivated fields always existed. We are too apt to think that when our ancestors landed there was here and there a woodland patch, with the great majority of the land cleared. It was not so. They had to hew their way from the very margin of the river back, making the little acre plot one year and the larger tract another and pressing the forest ever back before them until you have the conditions that exist here to-day.

The people who belong to the West, those who are there and those who have a desire to go there, only want an equal chance with those who made this civilization. This Executive order has absolutely destroyed the opportunity of at least one generation to avail themselves of that right. I say one generation, because I want to call your attention to the other declaration in the Executive order that is coupled with that, and which is crystallized in the request that is now before the Committee on Appropriations to give them hundreds of thousands of dollars for the purpose of emphasizing and rendering more odious this Executive order.

I do not desire to be charged with being purposely disrespectful or of attacking the Executive, but I may and I intend to criticize this order in unstinted terms. That is our function, our right, and our duty. This is the phrase coupled with it. I will read this paragraph in order that it may be more intelligible. The President says:

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws.

Those land laws have been in force for fifty years. The population of the country where those land laws have been in force in that fifty years has grown to the extent of about 20,000,000 people. The wealth of the country represented by the application of those laws during that time can only be counted in the figures of multiple millions. Yet we find one branch of this great Government gravely concerned at the "extremely unsatisfactory condition" of the laws.

Now, if the concern of the President was as to the extremely unsatisfactory condition of the execution of the laws, he might also be induced to look to the details of the manner of their execution. But we know those laws. They are older than the public experience of any man in this body. We know them, and there is slight ground for complaining of the land laws. There never was a more perfect system of settlement, the building up of States, conceived by mortal man than is embodied in those land laws, and I so speak because we have the results before us, and it is not a conjecture, but an experience.

And at the prevalence of fraud under their present provisions—

Well, you heard here to-day from the official figures of this Department of the Government, you heard it stated here to-day, and it was a fact, the figures of which I also have before me, that the percentage of fraud, mistake, and misadventure in compliance with the law under the homestead act is less than one-third of 1 per cent. As was said by the Senator from Montana, one might be led to believe from the hue and cry and the newspaper statements that the whole system was honey-combed with fraud; that the honest, true settlement was the exception. Yet we find that out of an expenditure of \$2,000,000 available to the Department for the purpose of detecting and punishing fraud and correcting entries because of fraud we had eighty-four cases of proven fraud last year.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. May I ask the Senator, outside of the question of fraud, whether he thinks the public-land laws as now framed are suited to the economic requirements of the West? Does he think that they are so guarded as to prevent timber lands and coal lands from falling into the hands of great trusts and combinations? Does he think they are so framed as to permit the proper use of the grazing lands of the West?

Mr. HEYBURN. Those questions are all presented by this message, and I propose later in the discussion of this subject to take them up in their order. I will say, generally, in answer to the question asked by the Senator from Nevada, that I think the homestead law is as applicable and as beneficial as it was when it was enacted. It is applicable to a certain class of land. It never was applicable to any other classes of land. Consequently wherever that class of lands exists human necessity is the same; the conditions under which men want homes and take them are the same. So the homestead law needs very little changing. It was a better law before it was tinkered with a few years ago, when the commutation clause was framed in the language in which it is now written. I shall have occasion to discuss that later.

The percentage of fraud in the coal entries is so slight as to be not worth mentioning. This fraud exists largely in the imagination. No larger per cent of fraud exists to-day than existed twenty, thirty, or forty years ago.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. My question involves considerations entirely outside of the question of fraud. My question was whether these laws have met the economic requirements of the West, so as to prevent monopoly.

Mr. HEYBURN. I would ask the Senator on his suggestion, what he means by economic conditions or requirements?

Mr. NEWLANDS. So far as the homestead law is concerned, my answer is that that was framed for a humid region, and that almost all the public lands now remaining are in the arid and semiarid region. That law is not suited to the requirements of that region. My next proposition is—

Mr. HEYBURN. Let us deal with that, if the Senator does not object. The homestead law, as I suggested, is applicable to exactly the same class of land as it was made to be applied to at the time of its enactment; and if those same lands still exist, then the law is beneficial.

Mr. SPOONER. To the same class of people.

Mr. HEYBURN. To the same class of people. American citizenship has not changed in that time. Its needs are the same and its ambitions are the same. The Senator speaks of that class of lands being exhausted. I can say to the Senator that in the section of the United States I have in mind, where I live when I am at home, those lands are not exhausted by many millions of acres. If there are lands that do not come within the purview of the homestead laws, that are desert, arid, or semiarid, then they come within other laws. As we approach those different subdivisions classified in this message I will take occasion to discuss them, and I will be glad at the time when I take them up to hear any interruption the Senator may desire to make. I want to finish reading this paragraph. The President says:

For much of this fraud the present laws are chiefly responsible.

That is the reference to the prevalence of fraud under the present provisions of the law. Congress has made one great mistake and it is making it every day. It will enact a statute up to a certain point of sufficiency, and then it will say "subject to such rules and regulations as may be made by the Secretary of the Interior," or another officer. We are getting to be too much a Government of rules and regulations. It is my intention at a convenient time to introduce and ask the Senate to pass a resolution calling for a report from each Department of the Government of every rule and regulation that is in force in those Departments.

Now the fraud where fraud exists, or to the extent that it exists, and to which the President refers in this message, is not fraud occurring under the law, but it occurs under rules and regulations, either uncertain in their meaning, difficult to be complied with, or where the parties are under rules and regulations made pursuant to a general grant of power given by Congress which should never have been given.

RULES AND REGULATIONS.

We are quite as competent to make rules and regulations within the statute in this body as any body of executive clerks is to make them, and we have ability enough to do it. We have the ability and the time and the legal obligation to make what are called rules and regulations ourselves.

Now, I will finish reading that paragraph, because no more important message ever came to this body than that. To tell us that men who have spent five years upon their homesteads, expecting that at the end of that time they would receive patents and be able to establish themselves as responsible citizens in a community, that they would have substantial property as a capital with which to do business, the day before they go to the office to receive their muniment of title that the hand of the officials shall be stayed, and they shall be told "until we have an appropriation from Congress that will enable us to send special officers to examine these facts that you have sworn to and that your neighbors have sworn to, we can not give you that patent."

Mr. SPOONER. There is no qualification?

Mr. HEYBURN. There is no qualification whatever. There is no exception to this refusal. There are 4,000. I have the exact figures. I have an official statement here of the number of patents that are tied up.

Mr. FULTON. There are 52,000 and some.

Mr. HEYBURN. Yes. These figures will probably astonish Senators as showing the number of entries affected by this

order. I have the exact figures in the shape of a letter from the Commissioner of the General Land Office, and perhaps I had better turn to it. I will give the figures. There are 52,481 land cases pending that are tied up by this Executive order on that day. There are probably that many more by this date, because they are coming in at an average rate of about 104,000 a year. There are of coal entries, tied up by this order, 327; of final desert-land entries there are 2,606 pending in the recorder's office that have been examined, passed upon favorably, reduced to the patent—to the written instrument—needing only the act of delivery. There are 6,570 patents in that shape that are suspended, tied up by that order.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I ask it for information only. I have not examined the order at all. Does the Senator intend to be understood as saying that it applies to homestead cases, the entry of agricultural land upon which a person has moved and taken his family, made his improvements, and lived the requisite period and obtained his final certificate?

Mr. HEYBURN. It says so in terms.

Mr. SPOONER. And uncontested by anybody?

Mr. HEYBURN. It says so in terms. This is the language—

Mr. FULTON. Let me say it not only says so in terms, but it is so administered. My mail is burdened every day with letters of homesteaders who have resided on their lands during the requisite time, made the requisite proof, and yet—

Mr. SPOONER. There has been no contest?

Mr. FULTON. No contest; no intimation or contention of fraud. Their patents are withheld.

Mr. CLARK of Wyoming. Will the Senator from Idaho allow me a moment?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I am informed and am compelled to believe it is true that under this order thousands of patents which have been already written out in the General Land Office, waiting only to be recorded, have been held up, and the recording force are about to be put at something else.

Mr. HEYBURN. I would say that in the class just referred to of such cases there are 6,570, and in addition to those pending in the recorder's office, which have been approved for patent but that patent has not yet issued, there were 5,531 pending in the special agents' division. Now, that first class of 6,570 has passed the scrutiny of the special agents and of every other class of investigation.

Mr. SPOONER. Will the Senator allow me just a moment?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Did the Senator from Wyoming, in speaking of patents which have been made out and only waiting for record, mean to imply by that that the patent has been signed, has been executed, and is only waiting for record?

Mr. CLARK of Wyoming. I am not advised as to that.

Mr. CARTER. If the Senator will permit me, I will say I understand that there are fully 5,000 patents written up, ready for signature, or waiting record only, that were suspended under this order. There is no charge of any kind or character.

Mr. HEYBURN. This is an official letter which I have received in response to my inquiry. I shall detain the Senate but a few minutes more to-day. I call the attention of Senators to it because it is important:

Replying to your verbal request of to-day for information as to how many land cases are affected by the order of the Secretary of the Interior of December 18, 1906—

That is the day after the official order was issued—

which order directed that no patent be hereafter issued to public land under any law until by examination on the ground by a special agent of your office or such other officer or agent of this Department as may be designated by the Secretary of the Interior, actual compliance with that law has been found to exist, I have to advise you that the report for the month ended December 31, 1906, showed 52,481 land cases pending in this office—

That is, the office of the Commissioner of the General Land Office. That does not include those pending in the Secretary's office.

Of this number 1,582 were mineral entries, 327 coal entries, and 2,606 final desert-land entries.

There were pending in the Public Lands Division 23,938 entries, which entries are final five-year and commuted homestead entries and timber and stone entries.

That is, in that branch of the Department.

The percentage of each is not definitely known, and can not be ascertained in time for this report, as I understand you desire it at once.

There were also 6,570 entries of all classes pending in the recorder's office which have been approved for patent—

That is the official language—

but patent not issued—

Those patents are signed. They do not go to the recorder's office until they are signed. If you look at the record of a patent you will find that it bears the signature of the President. When you get a certified copy you always get it from the recorder's office to show the signature. So those 6,570 patents have been signed by the Chief Executive or his authorized agent, but patent not issued, and 5,531 entries in the special agents' division under various stages of examination. These entries also embrace all different characters of entries.

That is in the one department.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes.

Mr. SPOONER. I suppose the Senator from Idaho does not contend that even after a patent had been signed, if the President had become satisfied, or had been informed in a way which warranted him in the belief, that fraud had been perpetrated on the Government and that the patent ought not to be delivered he would be obliged to deliver it.

Mr. HEYBURN. No; I do not contend that he would be obliged to deliver it at all if there was a specific reason of that character why he should not.

Mr. SPOONER. If he was satisfied that a state of facts existed under which, if a patent were delivered, the Government could maintain a bill in equity to cancel it for fraud, would he not be at liberty to withhold it?

Mr. HEYBURN. Entirely so.

Mr. SPOONER. It is not contended in this case, or in any of these cases, that such a condition exists. They have been passed to patent. The officer who participates in the final function makes that statement. If they had been suspended because of irregularities charged or suspected, he would have said so in his report.

Mr. HEYBURN. Of course.

Mr. SPOONER. I am very much interested in the Senator's remarks, which are very able and clear; but if a person who was entitled to enter land has entered it under the homestead law, made the requisite improvements, and has even obtained his final certificate, and information is communicated to the Government that he has made that entry under contract to deed it to somebody else, that would be a fraud upon the homestead law which, if a patent had issued, would warrant the Government in filing a bill to set it aside. In such a case I suppose the Senator admits that the President, if the patent had not been delivered, need not deliver it.

Mr. HEYBURN. Undoubtedly.

Mr. SPOONER. But you do not apply your observation to any such case?

Mr. HEYBURN. Not to any such case; but I think the Senator was perhaps not present this afternoon when the Senator from Montana [Mr. CARTER] read certain official documents setting forth the percentage of that class of frauds.

Mr. SPOONER. I was present part of the time.

Mr. HEYBURN. It was upon that I based my statement that the percentage of canceled entries, not only for fraud but for fraud and mistake combined, was less than one in three hundred in homestead entries, and less than one in a hundred in regard to coal lands or some timber lands.

Mr. CARTER. That was as to final homestead entries.

Mr. HEYBURN. As to final homestead entries.

Mr. SPOONER. But they were not sufficient in number to warrant this general hold-up.

Mr. HEYBURN. Mr. President, inasmuch as these homestead entries are scattered throughout twenty-one odd States, it is not reasonable to believe that, if the President had been directly and reliably advised that the people in some one of those States were perpetrating a fraud, he ought to have held up the issuance of patents in all the other States.

Mr. HALE. If the Senator will permit me, I will say that I am interested in what he is saying, and all the more because in some way this matter later will come before the Committee on Appropriations as a matter of appropriation, and I am being educated upon a subject upon which I have not much general information—the public lands. I was going to ask the Senator a question in the line of that asked by the Senator from Wisconsin [Mr. SPOONER]. Setting aside what might be true in any given case, even where patents had been signed and sent to the recorder's office, is there anything in this case, in this investigation, that shows what I may call such pervasive fraud or wrongdoing that it affects these thousands of patents; that it puts all of them under a ban, so that, in order to arrest what may be fraud, there has got to be such a general and sweeping exclusion as there has been? What is the ground taken by the Department as a justification for this broad falling of the ax on the heads of these applications?

Mr. HEYBURN. Mr. President, there is no ground that would satisfy the Senator's mind that there was any necessity for the making of this order.

Mr. HALE. What does the Secretary of the Interior say is the reason for issuing this sweeping and deadly order, which does not affect simply the cases that are marked by distinction as being personally fraudulent, but applying to thousands and thousands of men in a very large territory?

Mr. HEYBURN. We have no way of knowing what the Secretary of the Interior said to the President; but we know what the President said to the Secretary, and said it in this language, a part of which I have already read:

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws and at the prevalence of fraud under their present provisions.

This is what the President says to us, and that is what he said to the Secretary:

For much of this fraud the present laws are chiefly responsible. There is but one way by which the fraudulent acquisition of these lands can be definitely stopped, and therefore I have directed the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist.

Congress did not provide for an investigation on the ground. It provided for the facts required to be established being established, as other facts are established, by sworn testimony.

Mr. HALE. And under that they are all held up.

Mr. HEYBURN. Yes; they are all held up. The attempt is made here to substitute a different class of proofs than that provided by the act of Congress to be made as a basis upon which a patent should issue. In other words, to substitute the testimony of one man, one agent, who shall go upon the ground for the testimony of two neighbors, who live convenient, to testify to the facts. It is a complete substitution, or an attempt to substitute, a new method of proof for the method provided by Congress. Nobody will contend that the executive department of the Government can do that.

Mr. FULTON. I should like to ask the Senator if even the sworn testimony of these agents is to be substituted? My understanding is that the Department simply requires a report, and that report is made not as a witness. He is not subjected to cross-examination, but he brings in a report that the homesteader has no opportunity whatever to meet. He goes out, under the authority of the Department of the Interior, with the understanding that the continuance of his employment depends upon the discovery of fraud, as he would call it.

Mr. HEYBURN. Yes; his employment depends on his diligence.

Mr. FULTON. Yes. He makes a report. That report is not submitted to the homesteader. It is simply withheld. The settler does not meet the witnesses against him. He has no opportunity to refute their statements with other testimony.

Mr. HEYBURN. That is a very cogent suggestion of the Senator from Oregon. The homesteader does not participate in the investigation by the agent. The proof that he has to submit is under oath—his own testimony and that of two of his neighbors. That covers every possible requisite of the law.

Perhaps I should not have used the word "substitute," but it is in effect a substitute, because the Department disregards the proofs, which the law provides shall be sufficient, and substitutes, as a matter of practice, another class of proofs. The agent may go there in the absence of the settler. I feel at liberty to say that a few weeks since I had a complaint by letter from a man who says that an agent had reported that he had been to his homestead twice and had not found him living there; and he states that on both occasions he was away on business. The agent goes there in the settler's absence and then goes away and makes a report saying, "I visited the homestead of John Jones yesterday; I made an examination, and I found no evidence of residence; I found no one in occupation of the premises." The man interested never sees the agent. There is no one to question or to cross-examine him. He makes his report and files it here. If you write to the Department to ascertain what is the status of a certain entry that is under investigation, you are apt to be told that the report of the examiner is not in; and the practice of the Department, when an examiner goes into the field, is to have him make fifteen or twenty or fifty examinations, but he often does not make a report upon any one of them until he has got his season's work done and comes back to his office. The result is that the title is tied up in the meantime.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, if the Senator will permit me,

at that point I desire to call attention to the practice as it is further inflicted upon these people. The report of the special agent is regarded in the Department as confidential, and the homestead entryman whose property is about to be swept away is denied the privilege of inspecting the report or ascertaining the nature of the charge preferred against him. In other cases I have known of favorable reports having been made—and I will venture the assertion to-night that there are hundreds of such pending in the Department—where a favorable report of the special agent has been pigeonholed and disregarded for years, and now the Department will not issue further patents or any evidence of title until in its own sweet pleasure and time it may elect so to do.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. KEAN. If the Senator from Idaho does not care to go on further this evening, I will move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. Very well; I will resume my remarks to-morrow.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 31, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30, 1907.

MARSHAL.

M. Hubert O'Brien, of Michigan, to be marshal of the United States court for China.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Asst. Engineer California Charles McMillan to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from August 22, 1906.

POSTMASTERS.

COLORADO.

Hockley T. Hamill to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado.

Carrie James to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Francis M. Tague to be postmaster at Las Animas, in the county of Bent and State of Colorado.

GEORGIA.

Henry C. Newman to be postmaster at Eastman, in the county of Dodge and State of Georgia.

ILLINOIS.

Carson T. Metcalf to be postmaster at Greenfield, in the county of Greene and State of Illinois.

Peter A. Nelson to be postmaster at Lamont, in the county of Cook and State of Illinois.

William H. Pease to be postmaster at Harvey, in the county of Cook and State of Illinois.

Rollin Waite to be postmaster at McHenry, in the county of McHenry and State of Illinois.

INDIANA.

George W. Patchell to be postmaster at Union City, in the county of Randolph and State of Indiana.

Thomas Rudd to be postmaster at Butler, in the county of DeKalb and State of Indiana.

Amanda Sullivan to be postmaster at Garrett, in the county of DeKalb and State of Indiana.

KANSAS.

James S. Alexander to be postmaster at Florence, in the county of Marion and State of Kansas.

Nelson M. Cowan to be postmaster at Kensington, in the county of Smith and State of Kansas.

Thomas H. Earnest to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas.

James J. Evans to be postmaster at Hartford, in the county of Lyon and State of Kansas.

James S. Price to be postmaster at Baxter Springs, in the county of Cherokee and State of Kansas.

MASSACHUSETTS.

Louis L. Campbell to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts.

Walter L. Shaw to be postmaster at Palmer, in the county of Hampden and State of Massachusetts.

MISSOURI.

Thomas Sharp to be postmaster at Wellsville, in the county of Montgomery and State of Missouri.

Wesley W. Wehrli to be postmaster at Mound City, in the county of Holt and State of Missouri.

NEW YORK.

Frank R. Utter to be postmaster at Friendship, in the county of Allegany and State of New York.

OREGON.

W. T. Bell to be postmaster at Enterprise, in the county of Wallowa and State of Oregon.

PENNSYLVANIA.

William A. Boyd to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.

W. D. McGinniss to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania.

PORTO RICO.

Eugenio C. Manautou to be postmaster at Caguas, in the county of Guayama, P. R.

SOUTH CAROLINA.

Thomas B. McLaurin to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina.

TEXAS.

Leander A. Canada to be postmaster at Morgan, in the county of Bosque and State of Texas.

May Harrison to be postmaster at Rising Star, in the county of Eastland and State of Texas.

Theodore Miller to be postmaster at Rusk, in the county of Cherokee and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 30, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL PRIVILEGE.

Mr. MORRELL. Mr. Speaker, I rise to a question of personal privilege. There appeared in yesterday's issue of the Public Ledger—a journal which I have been brought up to venerate, a journal great in the history of Philadelphia, a journal great in its present usefulness and reputation for accuracy and fairness—an article which, while perhaps unintentional, yet practically accuses each and every one of the Members of the Pennsylvania delegation of being supine in their efforts to obtain what was desired by the citizens of Pennsylvania for the improvement of Pennsylvania's waterways, and at the same time lending their best efforts to obtain an appropriation for an improvement in another State. First, let me say that I do not begrudge any sister State obtaining all that she can in the way of appropriations, nor do I consider myself, as I have not heard them discussed up to this time, sufficiently informed to judge of the merit or demerit of different items in the river and harbor bill for improvements outside of the State of Pennsylvania. Mr. Speaker, I would like to have the article now read.

The SPEAKER. The Clerk will read the article.

The Clerk read as follows:

A PENNSYLVANIA ENTERPRISE.

The Cape May harbor of refuge project, for which Congress may give \$1,200,000, is practically a Pennsylvania enterprise. It received its principal backing from Pennsylvanians. The New Jersey Representatives advocated it as a matter of course, but a member of the Rivers and Harbors Committee declared to-day that it was Pennsylvania influence that made the grab possible. It could not be learned whether the relatively huge sum thus poured into the purse of a private corporation accounts for the niggardly Pennsylvania allowance. It is certain that hard work and influence that belonged to Pennsylvania went for the purpose of building up a yachting rendezvous at Cape May. It is true that Pennsylvania Congressmen individually and collectively fell down hard on every project they advocated for their own State. They succeeded splendidly in their efforts to aid the Cape May Real Estate Company. They failed to get the survey for the Delaware, to secure Dam No. 7 in the Ohio River, essential in a logical development of the Ohio and of incalculable value to the vast commercial interests of western Pennsylvania, and to secure adequate improvement to the Erie Harbor and its approaches.

Every one of this trio of failures injures Pennsylvania. The achievement of Pennsylvania Representatives for Cape May actually represents what the delegation can do when it tries. It reveals what a really powerful organization the State has in Congress. It is a basis for the hope that something really might be accomplished by them for their home State if they got time for it.

Mr. MORRELL. Mr. Speaker, I would also—

Mr. PAYNE. Mr. Speaker, I make the point that the gentleman presents no question of personal privilege, and I am un-

willing that this should be a precedent in that direction. I am perfectly willing to agree that the gentleman should have unanimous consent to make a statement, but I dislike to have it come in as a question of personal privilege, as it does not present one.

Mr. MORRELL. Mr. Speaker, I then ask unanimous consent that I may make a statement.

Mr. WILLIAMS. How much time does the gentleman desire?

Mr. PAYNE. For how long?

Mr. MORRELL. It will take about three minutes.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes to make a statement.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Pennsylvania may have five minutes to make a statement. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRELL. Now, Mr. Speaker, it was circulated on the floor yesterday and through the halls of Congress that the individual members of the Philadelphia delegation had appeared before the River and Harbor subcommittee advocating this item in the bill. Now, I want to say, as far as I am concerned, that I personally am wrongfully accused. I never appeared before the general committee of the Committee on Rivers and Harbors, nor have I appeared before the subcommittee of the Committee on Rivers and Harbors, nor have I spoken to any member of a committee or subcommittee advocating any other measure except that which belongs to the State of Pennsylvania. I never knew the existence of such a place as Cold Spring Inlet or harbor, or whatever it is, until my colleague [Mr. MOORE] called my attention to it on last Saturday afternoon in Philadelphia. I confess I was surprised yesterday to be told by a prominent Member of the House that it was considered a Pennsylvania enterprise, and that it would be charged up against the State of Pennsylvania. As soon as I learned this, in company with my colleague [Mr. MOORE], I immediately sought an interview with the distinguished chairman of the Committee on Rivers and Harbors, who told us that there had been considerable backing from Pennsylvania citizens for the item for Cold Spring Inlet. I then asked him whether the granting of this item had affected the amount awarded to Pennsylvania? To which he replied that he "did not think that it had."

Now, what I want to impress upon the minds of the Members of this House is that I had nothing whatsoever to do in any way, shape, or form with urging, directly or indirectly, any appropriation in this bill outside of the items which affected the State of Pennsylvania. In every matter affecting my district or the State of Pennsylvania, I think, my record of the last seven years will show zeal and earnestness of purpose on my part for what was desired. In connection with the improvement of the Delaware River, from the time I first became a Member of this distinguished body, my efforts have been unrelaxing, and I have left no stone unturned to obtain what was desired by the people of Philadelphia and the State of Pennsylvania.

The amount carried in the present bill for the Delaware River, double that estimated for by the engineer in charge, and the enlarging of the original scheme by widening, I may safely say, are due to the unremitting efforts of the Philadelphia delegation, and I think that the distinguished chairman of the Committee on Rivers and Harbors is prepared to prove that the statement that "in the meantime not a cog is turning for the Delaware" is, at least, somewhat unwarranted.

DAM ACROSS THE PEND D'OREILLE RIVER.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

The SPEAKER. The gentleman from Washington [Mr. JONES] asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for, the Pend d'Oreille Development Company, a corporation duly incorporated under the laws of the State of Washington, its successors or assigns, to construct and maintain a dam across the Pend d'Oreille River at a point at or about where Piercee Creek empties into the Pend d'Oreille River, near the international boundary line in the county of Stevens, State of Washington, at such point to be selected by the said Pend d'Oreille Development Company, its successors or assigns, at the mouth of the said Piercee Creek, or within 1,000 feet above or below the same, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.